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ABSTRACT

A project was conducted to help single parents residing in public housing who were participants in an adult basic education (ABE) life skills program learn how to request services from school districts and social service providers. An advocacy curriculum outline and an extensive bibliography, as well as procedures and materials for training peer advocates in an ABE setting were developed. Twenty-five students were given information and trained to become advocates for themselves and their families, and five students developed the skills and knowledge to become advocates for other ABE students, particularly in school hearings and with mental health providers. Project evaluation, through self-assessment by the students and of the goals and objectives of the project by the teacher, the peer advocate coordinator, and the project director, was positive. (This document contains a bibliography listing 10 sources for resources, and the project materials, including resource lists, narratives of advocacy services provided in several cases, and information on legal and procedural steps to take in advocating for school and mental health services in Pennsylvania.) (KC)

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ED 395 117

FINAL REPORT & PRODUCT

Peer Advocacy Training for ABE Students **Project # 995033**
Lebanon County Housing Authority
July 1, 1994 - June 30, 1995

ABSTRACT:

This proposal addressed the need for training peer advocates in a lifeskills and ABE/GED program housed in a Lebanon Couny Housing Authority Community Building. Training focused on finding appropriate school services for one's child, with some training in finding appropriate mental health services for oneself and/or one's family. An advocacy curriculum outline and an extensive bibliography, as well as procedures and materials for training peer advocates in an ABE (Adult Basic Education) setting were developed. This proposal also provided a procedural model for a partnership between, students, adult education providers and several social service agencies, building upon collaborative efforts to advocate for needy families. Using published materials and materials and methods developed by the grantees, ABE students were able to communicate more effectively *in requests for help and in hearings for services for their families, particularly in school and mental health agency issues.*

TARGET AUDIENCE:

Adult basic education teachers, administrators, and students and their families, particularly single parent families.

The Lebanon County Housing Authority is an equal opportunity education institution and does not discriminate on the basis of race, color, national origin, sex, handicap, age or religion.

The activity which is the subject of this report, was supported in part by the U.S. Department of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Deparment of Education or the Pennsylvania Deparment of Education, and no official endorsement should be inferred.

CE 070 933

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ABSTRACT

PAGE

TITLE: Peer Advocacy Training for ABE Students **July 1, 1994 - June 30, 1995**
PHONE: 717-274-8329
PROJECT: #995033 **FUNDING: $4832. (PDE)**

ADDRESS: Lebanon County Housing Authority
1012 Brock Street
Lebanon, PA., 17046

DIRECTOR: Jean Henry

PURPOSE (GOALS & OBJECTIVES 1 & 2): This project was designed to redress a need in an Adult Basic Education Life Skills program for single parents, residing in federally funded housing, that of support in requesting services of school districts and social service agencies. The objectives, as stated in the grant application, were met, namely:

1. (Five) 5 students in an ABE program developed the skills and knowledge to become advocates for other ABE students, particularly in school hearings and in mental health issues.
2. Twenty-five (25) students enrolled in an ABE program/ and or social service agencies were given information and trained to become advocates for themselves and their families.

PROCEDURES (GOALS & OBJECTIVES 3 through 7):

3. Community providers and state agencies were used in training and, also, in direct services.
4. One 1994-95 enrollee of "Bridges", an Adult Basic Education and Life Skills Program, was trained and was the primary peer advocate in this project. She has since been offered a part-time job by the Lebanon County Housing Authority to continue her advocacy efforts for Housing clients. She has also enrolled in a local community college to train for a social service career.
5. The advocacy training and action were monitored by the Project Director and she and staff recorded the results.
6. Instruments were developed for # 5, above and are included in this project report.
7. The final project report and evaluations are attached.

SUMMARY OF FINDINGS AND COMMENTS:

This proposal certainly addressed a need, not only in the "Bridges" education program, but in the community as well. When the project started there was no "Parent Advocate" in Lebanon County. The Housing Authority staff, as well as other agency staff, perceived a need for such an advocate, but the community did not have the funding for such a person. Eight hours of training for community agencies, "Bridges" staff and students was provided by the Berks County Parent Advocate, Wendy Luckenbill. The rest of the training was done by community agency staff or Lebanon Housing staff and teachers. Beth Bates, a student in the"Bridges" program, had a strong interest in being the advocate and has been exceptional in supporting Bridges students and other clients in the community, the latter on a volunteer basis. (Midway in the grant year, Beth became a contact in Lebanon County for PET (Parent Education Network). The six students and families she helped with direct services now have the confidence to help other students. Two of these students have since "graduated" from/left the "Bridges" program, but have come back as alumni to help others. Training for participants focused on finding appropriate school services for one's child, with some training in finding appropriate mental health services. Evaluations have been positive. The project met its goals and provided staff and students with the means to help families in requesting and, in most cases, receiving services. Although, the parents and their families feel more empowered, services have not been received in all cases. Some cases have been particularly difficult, with long

drawn out procedures and appeals, and parents and a school district in conflict with each other. Communication skills and conflict resolution are needed, as well as persistence. In retrospect, with more time and money, we could have 1) involved the school districts more in the training component and 2) spent more time in role-playing and active training, which might have eased some of the problems. The advocacy will continue into next year.

PRODUCTS: An advocacy curriculum outline and an extensive bibliography, as well as procedures and materials for training peer advocates in an ABE (Adult Basic Education) setting were developed and are included in this report.

METHOD OF EVALUATION: 1. Self-assessments from the trial group of students before class begins. 2. Evaluations of the course and self- assessments by the same students after the follow-up training session and from the peer advocates and students after two months. 3. Evaluations from cooperating agencies. 4. Evaluation of the goals and objectives of the project by the Teacher, the Peer Advocate Coordinator, and the Project Director.

INTRODUCTION:

"Bridges", a program began in 1992 by the Lebanon County Housing Authority, as a life skills program to "bridge" the gap between adults and families in a crisis situation and regular adult education classes, literacy tutoring, community colleges, and job training programs. In the three years of its existence, 1992-95, over 125 persons, as well as 65 children in the family literacy component of the program, have been served by this collaborative and cooperative program. Among those agencies referring individuals and participating in services have been the Lancaster-Lebanon Literacy Council, PROBE, (a reentry program for displaced homemakers), Family Focus (a support service of Catholic Charities), Lebanon County Mental Health & Mental Retardation, Lebanon Mental Health Association, Lebanon Cooperative Extension Association, Catholic Charities, Domestic Violence Intervention and HARP (Housing Resource Assistance Program), Lebanon County's designated program for the homeless. All of the participants in "Bridges" have been members of the priority populations designated by the Department of Education; they are either on public assistance, displaced homemakers, or members of a minority group, or a combination of the above. Most have had a history of abuse, problems with schools and housing, and the great majority have domestic problems. Almost all have not received their high school diploma or GED, or if they have, they have not learned many of the basic skills they need. They are in transition from situations of desperate need to ones of varying degrees of self-sufficency, with substantial barriers to success: teen parenthood, mental illness or recovery from mental illness, developmental delayed and handicapped children, low self-esteem, as well as low skill levels. The students and their families have a need to enhance their life skills, including knowledge of the community resources available to them and their rights and obligations as members of this community, to become responsible social workers for themselves and their families.

"Bridges" works and is growing (most referrals are by other students) because it is a collaborative program; students have the support of a classroom of peers who have had the same life experiences they have had. Regaining self-confidence, learning life skills, and setting priorities for a non-crisis life are essential if a client/student is to make a successful transition to other educational or training services.

The combination of this type of collaborative program with challenging student and family needs, can be draining for all, staff, participating agencies, and the students themselves. The teacher, the project director, and many students were spending a great deal of time serving or

finding advocates in domestic, school and mental health situations, as well as serving the students at a variety of educational levels. All felt there was a need for training and experience to be good advocates and teachers. In particular, training students would develop a core of trained "graduates" to help. This in turn would empower the students and the program, as self-esteem would be strengthened, while learning and helping. The program would serve as a "bridge" from the crisis the person is presently feeling to a new beginning. As an integral part of this bridge, we proposed to developing a peer tutoring and advocacy plan, particularly in the area of school and mental health services. If successful, it could be replicated by other ABE programs employing interested in collaborative learning techniques for advocacy.

TIME SCHEDULE

July 1 - October 1, 1994:	Consult with social service agencies; develop materials.
October 15 - November 15:	Train advocates.
December 15:	Follow-up workshop
November 15 -May 1, 1995:	Use training, assign advocate. Reevaluate and refine advocacy curriculum. Assess peer advocacy and teaching.
May- June 1995:	Second set of workshops.
May 30- June 30:	Final revision and typing of curriculum, materials and procedures.
July 1, 1995:	Reports sent to the state and given to the participating agencies.

ADMINISTRATION:

The **Chief Administrative Officer** of the Lebanon County Housing and Redevelopment Authority is Melvyn Kaplan, Executive Director.

The **Chief Fiscal Agent** is Louise Heffelfinger. Both Louise and Melvyn's offices are at 303 Chestnut Street, Lebanon, PA 17042. Their telephone number is 717-2741401.

The **Project Director** for this grant was Jean Henry, the Educational Coordinator of the "Bridges" program for the Housing Authority.

The **Trainers in Advocacy**: Wendy Luckenbill, the Parent Advocate, for Mental Health-Mental Retardation in Berks County was hired for twelve hours of training plus transportation. She did about eight hours of training and could not finish the other four because of her own time constraints. Other trainers were from the community: The Director of the Mental Health Association for Lebanon County, The Tenant Initiative Coordinator for Lebanon County Housing, staff from the Empire Beauty School and staff from Catholic Charities Family Focus.

The **Peer Advocacy Coordinator**, Beth Bates, a high school graduate and an enrollee in Bridges while working in this project. She has enrolled in college in a social service program.

The **Peer Advocates**, who have taught in "Bridges" and have done some advocacy.

LOCATION:

Lebanon County is located in the Southcentral part of Pennsylvania, between Lancaster, Harrisburg and Reading. There are 244, 000 residents in the County and about 30,000 in the City of Lebanon. This project serves anyone in the County, but in reality 95% of the students/peer advocates/tutors will come from Lebanon City.

The Project Director, Peer Advocate Coordinator, Secretary and Peer Advocates worked primarily at the "Bridges" site, 500 Cedar Court, Cedar Court, Lebanon, PA 17042. Cedar Court is a Lebanon County Housing Community Building. The telephone number there is 717-274-8329. The fomal training was done at Cedar Court. The Peer Advocate helped students at other sites, such as in school districts, at the County Courthouse and at mental health sites.

TARGET AUDIENCE FOR THIS REPORT:

Adult basic education teachers, administrators, students and their families, particularly single parent families.

COORDINATION AND DISSEMINATION:

The final report is being distributed to participating agencies: the **Pennsylvania Department of Education, Division of Adult and Literacy Education,** 333 Market Street, Harrisburg, PA; **AdvancE, State Literacy Resource Center,** 333 Market Street, Harrisburg, PA 17126-0333 (1-800-992-2283; TTY: same); and the Western Pennsylvania Adult Literacy Resource Center, 5347 William Flynn Hwy, Route 8, Gibsonia, PA 15044 (1-800-446-5607; TTY 412-443-0671) It is hoped that other agencies serving similar students can use these materials.

THE GOALS & OBJECTIVES OF THE PROPOSAL WERE:

1. To train at least (five) 5 students in an ABE program to become advocates for other ABE students.
2. To teach twenty-five (25) students enrolled in an ABE program/and or social service agencies to become advocates for themselves and their families.
3. To develop training for the above students in cooperation with community providers and state agencies.
4. To train one graduate of an ABE program enrolled in a relevant college program to be a peer leader in this project.
5. To monitor the training and record results.
6. To develop instruments for the above.
7. To record, evaluate, and distribute the above.

PROCEDURES:

This proposal addressed the need for training peer advocates in a lifeskills and ABE/GED program housed in a Lebanon Couny Housing Authority Community Building. Training focused on finding appropriate school services for one's child, with some training in finding appropriate mental health services. An advocacy curriculum outline (below) and an extensive bibliography, as well as procedures and materials for training peer advocates in an ABE (Adult Basic Education) setting were developed.

The fifteen (15) hour training was divided into 2 three hour sessions and four (4) two hour sessions:

1.Legal issues (Wendy Luckenbill, Berks County Parent Advocate):
Two (2) sessions of two and one-half to three hours each: the right to a "free and appropriate" education; working with the school districts and school personnel; asserting oneself.
(The sessions were recorded by Family Focus staff on two video tapes and are available at the Harrisburg office of Advance and at "Bridges", Lebanon.) (717-274-8329)

2. Presentation of Oneself as an Advocate (Community Personnel):
(Each session was approximately 2 hours)
a. Family Focus Staff: Assertiveness training: The difference between aggressive, passive, passive-aggressive and assertive behavior.
b. Lebanon County Mental Health Staff: 1) Self-esteem building and appropriate assertiveness and 2) Conflict resolution and listening techniques.
c. Bridges students: Dressing appropriately and acting appropriately.

Follow-up sessions were held periodically to discuss issues. In the spring, the Peer Advocacy Coordinator/Peer Advocate, Beth Bates, and the Project Director, Jean Henry presented an attenuated program on student and family legal rights and issues. In the spring, "Bridges" counseling staff and community personnel again presented conflict resolution and self-esteem building, but the primary training was done in the fall. The program was assessed in January by the Project Director and the Peer Advocate. In addition, the Peer Advocate attended staff meetings to report on her work.

In June, Central Pennsylvania Legal Services and Lebanon County Housing Social Services presented a seminar, "Surviving the 90's; Community Education Seminar", for Lebanon County Social Service agencies and their clients. The seminar focused on health and welfare services in Central Pennsylvania; government action in Washington D.C. and in Harrisburg, the state capitol; and community organization. Beth Bates and the Housing Resident Initiative Coordinator orchestrated the afternoon session on community initiatives. "Bridges" students were involved as volunteers in various capacities, including speaking, distributing fliers, and coordinating food for the event.

Methods:

All students in "Bridges" are screened at entry and asked what they would like to learn within a set of goals associated with life skills. Both IEP's (Individualized Education (and goal-setting) Plans) and class goals are discussed and established for all students. If a student had the need for school or mental health services, he or she was referred for this program. In addition, all students who wanted to participate in the training by Wendy Luckenbill, the Parent Advocate from Berks County, and, also, the training in assertiveness, self-esteem and conflict resolution were invited, and, indeed, strongly encouraged to participate.

Initial requests for advocacy were screened by the Peer Advocate, Beth Bates, and the Project Director or the Housing Tenant Initiative Coordinator. Beth completed a Temple University, Harrisburg, training seminar for parents and advocates of the disabled, " Partners in Policy Making". Beth did most of the advocacy and support during this program. Besides participating in trainings, she attended school hearings and/or mental health sessions for seven students in "Bridges". (Please see Beth's "Account of community service, extracurricular activities and accomplishments" in Appendix, p.). All "Bridges" staff then encouraged these students, if they felt capable, to follow through themselves in subsequent telephone calls, follow-up and/or hearings. Students and other public housing residents who were involved in advocacy issues helped in later training sessions by sharing their experiences. Of the students she helped, at least

five would be comfortable in sharing their experiences and helping other students in the following: 1) requesting an Multi-Disciplinary Evaluation for their child; 2) requesting mental health, mental retardation services; or 3) by attending a domestic violence hearing with a student. These students have been empowered in other ways, also. Three help as volunteers, two in math and one organizes projects to raise money. We expect a ripple effect, that the students who have been helped will assist Beth, the Peer Advocate, in her new job as an Advocate with Lebanon County Housing. In addition, at least twenty other students and/or residents of public housing have participated in the formal training sessions described above. One is a Tenant Coordinator in a housing development.

This project met its goals and provided staff and students with the means to help one another's families in requesting and, in most cases, receiving services. Although, the parents and their families feel more empowered, services have not been received in all cases. Some are particularly difficult, with long drawn out procedures and appeals, and parents and a school district in conflict with each other. Communication skills and conflict resolution are needed, as well as persistence in these cases. In retrospect, with more time and money, we could have 1) involved school district more in the training component and 2) spent more time in role-playing and active training, which might have eased some of the problems. The advocacy will continue into next year.

Materials (For addresses, titles, please see Appendix):

1. Bar Association pamphlets (sample attached).
2. Community Resource listings and information.
3. Books
4. Conflict resolution, self esteem and listening techniques materials; materials brought by the Parent Advocate Trainer from Reading, Berks County ($5. per participant); Materials from AdVance Project AE 98-3030, such as "Communication Skills That Really Work", "Listening Skills" handouts; from AE 3025-762, "Family Advocacy: the Parent-Professional Team" .
5. Materials from "Connect": Parent and Student Rights Information; and *Fat City*, a video simulation for parents of school issues.
6. Materials from the Pennsylvania Department of Education.
7. Materials from the Pennsylvania Department of Public Welfare.
8. Materials from the Commonwealth of Pennsylvania, *The Pennsylvania Bulletin*
9. Materials from support groups, and resource centers, such as the Parent Education Network (PET); Parent Involved Network (PIN); the Pennsylvania Education Law Center Pennsylvania; and the Delaware Health Law Projects.
10. Training materials from local agencies.

Evaluations:

Self-assessments and evaluations by students; evaluations by social service providers were employed to determine satisfaction with the advocacy process. (Please see Appendix.) No formal testing was done. Students and clients were pleased with the advocacy program.

RESOURCES AND BIBLIOGRAPHY

1. Lebanon Resources:

1. Lebanon Community Directory of Human Services, 1994-95, & Lebanon County Directory of Human Services, Lebanon County Department of Human Services

2. Lebanon County Housing Units and phone numbers, Lebanon County Housing & Redevelopment Authority

2. Central Pennsylvania and Pennsylvania Resources, Support groups, and Government Agencies: Names, addresses and phone numbers.

3. Books: *How to Get Services by Being Assertive* Family Resource Center on Disabilitiies, Chicago, Illinois, 208 pp.

How to Organize Effective Parent/Advocacy Groups and Move Bureaucracies, 200 pp., The Parent Education Network (PEN)

4. AdvancE, State Literacy Resource Center, Harrisburg, PA.:

1.*Project AE 98-3030*, handouts: "Communication Skills That Really Work"; "Listening Skills"

2.*Project AE 3025-762*, "Family Advocacy: the Parent-Professional Team"

5. Materials from the Pennsylvania Department of Education (1-717-783-6913):

1.*Cordero vs. Commonwealth, Parents, Agencies, Schools, Commonwealth, Coming Together*, pamphlet,(1-800-222-7372)

2.*State Board of Education, Chapter 14: Members under the Court Order, Cordero v. Commonwealth*, Knosterr, Barbour, Boyle, D'Alo, Hess, 8 pp.

3.*Guidelines*, Instructional Support System of Pennsylvania, (800-992-4334, TDD, 800-654-5984), February, 1995, 46 pp.

4.*Informational Handout,-Conflict Resolution*, 20-24 pp.

5.*Special Education Services and Programs; Department of Education, Chapter 342*

6.*Special Education Services and Programs, Side by Side Version for Quick Reference* (Standards), March 1994, 76 pp.

7.*State Board of Education, Regulations of the State Board of Education of Pennsylvania, Chapter 15, Protected Handicapped Students*, February 1991, 9 pp.

8. *Section 504, Chapter 15 Flow Chart, 1 p.*

9.*Pennsylvania Special Education Mediation Service, Procedures and Overview of Effective Practices Supporting Children Identified as Disabled (Cordero)*, 34 pp.

10.*Permissible Class Size*, PA Code Section 342.42.j, 1 p.

11.*Timelines Under the 1990 State Special Education Regulations*, PA Code Chapter 14, 1 p.

12. Basic Education Circulars: 1)*Implementation of Chapter 15*, June 1991, 9 pp.

2)*Change in Educational Placement, Suspension or Expulsion/Exceptional Student*, October, 1991, 3 pp.

13.*Your Rights as the Parent of a Child Who is Exceptional*, pamphlet, 1992

14.*Assignment of Special Education Students to Instruction in the Home*, March 1993, 2 pp.

15.*Procedural Safeguards for Special Education Students*, 8 pp., (The Right to Education Office: 1-800-222-3353)

16.*Pennsylvania Special Education Mediation Service*, pamphlet, (Pennsylvania Special Education Mediation Service 1-800-992-4334)

6. Materials from "Connect": (Parent and Student Rights Information 1-800-692-7288):

1.*Fat City*, a video simulation for parents of school issues.

7. Materials from the U.S. Department of Education, Office of Special Education and Rehabilitation Services:

1.*Policy Memorandum (and letters recognizing ADD as a disability*

8. Materials from the Pennsylvania Department of Public Welfare:

1.*Changes to Medical Assistance (MA) Benefits for Certain Applicants/Recipients*, Income Maintenance Bulletin, # 99-92-05m, December 1992, 7 pp.

2.*Basic Health Care for Adult General Asssistance Recipients*, Medical Assistance Bulletin, # 99-92-07, December 1992,

PA Department of Public Welfare, Office of Mental Retardation: *Finding a Way Toward Everyday Lives, The Contribution of Person Centered Planning*, February 1993, 19 pp.

PA Department of Public Welfare, Office of Mental Health, Bureau of Children's Services (717-772-2764):

1.*Guidelines for Best Practices in Child and Mental Health Services*, 18 pp.

2.*Psychosocial Rehabilitation Services*, Draft, 1/93, 6pp.

9. Materials from the Commonwealth of Pennsylvania:

1. The Pennsylvania Bulletin, . Volume 20, Number 24, June 16, 1990. Part III, *Special Education Services and Programs.*

10. Materials from Support Groups, and Resource Centers:

Pennsylvania Bar Association. (1-800-932-0311)

1.*What Should I Know About the Rights of Exceptional Children* (pamphlet), 1987

The Parent Education Network (PET) (1-800-522-5827)

1.*Your Right to Disagree, A Parent's Guide to Resolving Conflicts*, 17 pp. 1993

2. How to Organize Effective Parent/Advocacy Groups and Move Beaur

Parent Involved Network (PIN)

1.*Index to Factsheets*, April, 1995, 1p.

2.*Early Intervention Programs and Services: A Guide for Parents*, June 1992, 27 pp.

3.*For the Record, Ad Advocacy Record Keeping Book for Families of Children and Adolescents with Emotional or Behavior Disorders*, January 1995, 11 pp.

4.*Selected Advocacy and Referral Services for Children*, 1 p.

The Education Law Center, Pennsylvania (all April 1990, unless cited):

1.*A Brief Fact Sheet On Your Rights Concerning School Records*, 1p.

2.*Eight Common Myths about Special Education*, 2pp.

3.*Extended School Year Programs,Questions & Answers*, 2 pp.

4.*Your Rights to Special Education in Pennsylvania* , 2 pp.

5.*Special Education Rights in Pennsylvania*, 2 pp.

6.*What To Do If You're Not Satisfied With Your Child's Special Education Placement*, 1 p.

7.*The Rights of Students with Physical or Health Impairments Who Do Not Need Special Education*, 2 pp.

8.*The Right to Special Education in Pennsylvania, A Guide to Parents*, November 1991, 56 pp. ($5.)

9.*Parents Rights Checklist*, 4 pp.

10.*Questions and Answers on School Discipline for Children with Disabilities*, 2 pp.

11.*Related Services* , 2 pp.

12.*Transportation Rights of Children with Disabilities*, 1 p.

13.*Do I have a Right to Have My Child Placed in a Private School*, 2 pp.

14.*Independent Educational Evaluation For Children with Disabilities*, 2 pp.

15.*Eight Common "Myths" about the Special Education Laws*, 1 p.

The Learning Disabilities Association of Pennsylvania, *Regulations of the State Board of Education of Pennsylvania, Chapter 15, Protected Handicapped Students*

Michigan Association for Children With Emotional Disorders: *What hurts? What helps?*

The Delaware Health Law Projects:

Sharing, a newsletter from Parents Involved Network

Getting and Using Medical Assistance for a Child with a Severe Disability, 9 pp. , March 1994

The Development Disabilities Advocacy Network, Inc.:

The Advocacy Network : Educational Evaluations (Newsletter)

CASSP:*Resources: Pennsylvania CASSP Training and Technical Assistance Institute, 1p.*

The Public Interest Law Center of Philadelphia, *Section 504 Handbook, the HEW*

Regulations

The Pennsylvania Health Law Project: *Children with Disabilities Eligible for Medicaid*, Access Health Care, A Newsletter for Pennsylvanians eith Disabilities, October 1992, 4 pp.

11. **The Library of Congress,** *Section 504 of the Rehabilitation Act: Statutory Provisions, Legislative History and Regulatory Requirements* (89-48 EPW)

12. **Training materials from local agencies**, including:
    Support Strategies
    Information about disorders

13. **Newspaper Articles,** including: *PA Told to Improve Special Ed. or Lose Funds, Allentown-Lehigh Morning Call*, May 16, 1994.

14. **A File on Disorders,** including: *Samples from Selected Reprints*, 3 pp., PIN Resource Center

APPENDIX

Appendix

LEBANON COUNTY MENTAL HEALTH/MENTAL RETARDATION PROGRAM
220 East Lehman Street
Lebanon, PA 17042
Phone: 717 - 274-3415
FAX: 717 - 274-0317

Rose Marie Swanger
William G. Carpenter
Philip H. Feather
County Commissioners
Donald J. Rhine
County Administrator

William F. Mentzer, Jr.
Administrator
Patricia L. Bennett, M.S.
BSU Director

Jean Henry
Bridges Program
500 Cedar Court
Lebanon, PA 17046

April 4, 1994

Dear Jean,

Please find attached a letter to Cheryl Keenan, Director of The Bureau of Adult and Literacy Education, in support of your grant request for a Peer Advocacy Training program in Lebanon County.

If you are awarded this grant and are in need of any assistance from this office please do not hesitate to contact me.

As I shared with Sandy last week when we spoke on the phone, I see a great need for this type of training in our community. I feel that some individuals would like to help others to advocate but that due to lack of "know how" do not feel comfortable in doing so. Perhaps a training program such as you are proposing will allow for greater ability and desire from community members to assist in advocacy needs.

Please keep me informed as to this grant request. Good luck.

Sincerely,

Monica

Monica Boyer
Consultation and Education
Coordinator

DAVID J. BRIGHTBILL
543 MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-0030
717 787-5708

48TH DISTRICT
LEBANON, NORTHERN BERKS AND
NORTHERN LEHIGH COUNTIES

Senate of Pennsylvania

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LABOR AND INDUSTRY
ETHICS COMMITTEE - VICE CHAIRMAN

ENVIRONMENTAL QUALITY BOARD
RECYCLING FUND ADVISORY COMMITTEE
WILD RESOURCE CONSERVATION BOARD

February 15, 1995

Mrs. Beth Ann Bates
2126 Center Street
Lebanon, PA 17042

Dear Mrs. Bates:

Thank you for your recent letter regarding disability. I am grateful that you took the time to write and share your thoughts with me.

Your kind words concerning my staff in Lebanon are appreciated. It gives us great pleasure to know that we are able to be of assistance to the constituents in the 48th District.

You have my sincere congratulations on your recent achievements of being selected Peer Advocate by the Lebanon Housing Authority and on your enrollment to Temple University. Your involvement with issues pertaining to disability is commendable. Please be assured that your efforts and comments will be kept in mind should legislation on disability come to the Senate for a vote.

Again, thank you for writing. If there is anything my office can do for you in the future regarding this or any other state-related issue, please do not hesitate to contact my staff.

Very truly yours,

David J. Brightbill

DJB:keh

BEST COPY AVAILABLE

PARENTS INVOLVED NETWORK
311 South Juniper Street - Suite 902
Philadelphia, PA 19107
(215)735-2465

April 18, 1995

I am enclosing the following

❒ Information from the Health Law Project

❒ *Selected Reprints From the PIN Resource Center* revised April 1995 - Redone to reflect our new address as of May 1, 1995

❒ *Claiming Children,* the newsletter from the Federation of Families Spring 1995

❒ A set of FactSheets reflecting our new address

❒ A *Record Keeping book* reflecting our new address

❒ A revised SHARING subscription form reflecting our new address

❒ A revised list of state advocacy resources

As of May 1, 1995 our new address is
Parents Involved Network
1211 Chestnut Street, 11th Floor
Philadelphia, PA 19107
215-751-1800, 1-800-688-4226

Sincerely,

Joyce Robin Borden

TEMPLE UNIVERSITY
A Commonwealth University

Institute on Disabilities
University Affiliated Program

Ritter Annex (004-00)
Philadelphia, Pennsylvania 19122
Phone/TDD: (215) 204-1356
Fax: (215) 204-6336

April 1994

Dear Potential Applicant:

The Institute on Disabilities/UAP at Temple University is currently seeking applications from interested parents of young children with disabilities, people with disabilities, and students concerned with disability issues to participate in an exciting innovative leadership training program called Competence and Confidence: Partners in Policymaking (C2P2). C2P2 is designed to provide information, training and skill building so that participants may obtain the most appropriate state-of-the-art services and supports for themselves and others and consequently change the quality of life for people with disabilities.

This program is not for professionals or providers. It is designed for individuals who have little or no experience in the field of Developmental Disabilities.

We recognize that well informed parents, students, and individuals with disabilities have historically had a powerful influence on the policymaking of elected and appointed governmental officials. C2P2 participants learn about current issues and best practices and become familiar with the policymaking and legislative process at the local, state, and federal levels. The overall goal is to achieve a productive partnership between people needing and using services and those in a position to make policy and law.

C2P2 participants attend 2-day training sessions over 8 weekends (usually 1 session per month). The 2-day session normally consists of 1:00 PM-9:00 PM on Friday and 8:00 AM-3:00 PM on Saturdays. **The first session will take place on a Friday and Saturday in October 1994 in the Harrisburg, PA area. The remaining sessions will be scheduled in the near future.**

Quotes from the First class of C2P2 graduates in Pennsylvania:

Parent: "C2P2 has given me the confidence and competence to navigate my way through the many systems and people I have to deal with on a daily basis. As a result of C2P2, my son receives more and better services and people are learning not to say "No" to me and my son when the answer should be "Yes." C2P2 has also confirmed my belief that my son, with all of his limitations, can experience a rich and full life."

Student: "C2P2 broadened my knowledge of disability issues in so many ways that it would take dozens of pages to document its effect on my life."

Person with a disability: "People with disabilities are ordinary people who want to live regular lives. The barriers they face come from society not from within themselves."

Enclosed you will find an application form. If you have any questions concerning this project feel free to contact us at the address below. If you need assistance in completing the application, or an alternative format (Braille, audio-cassette, etc.) please feel free to contact us.

Celia A. Feinstein
Celia Feinstein
Principal Investigator

Teresa McKee
Teresa McKee
Project Director

Adult, local disabilities ... as well / parent peer to age 3 + and participants

Competence and Confidence: Partners in Policymaking
Institute on Disabilities/UAP at Temple University
215-204-1356
423 Ritter Annex, 13th and Cecil B. Moore Ave.
Philadelphia, PA 19122

Temple University's Institute on Disabilities/UAP
COMPETENCE AND CONFIDENCE:
PARTNERS IN POLICYMAKING

APPLICATION FOR PARTICIPATION

Applications Due AUGUST 30, 1994

NAME: _____

ADDRESS: _____

_____

HOME #: ( ) _____ DAYTIME #: ( ) _____

1. Are you a person with a disability? ☐ Yes ☐ No

   If yes, please describe your disability(ies) _____

   _____

2. Are you the parent of a son or daughter with a disability? (Please indicate if you have more than one child with a disability.)

   ☐ Yes ☐ No _____ Age

   a. Describe your child's disability and how it affects his/her ability to function independently.

   _____

   _____

   _____

   b. Describe your child's school placement.

   _____

   _____

   c. What other service(s) (OT, PT, speech, respite care, case management, etc.) are your child and family currently receiving?

   _____

   _____

   _____

A developmental disability is a severe, chronic disability of a person that:

- is attributable to a mental or physical impairment or a combination of the two;
- is manifested before the person attains the age of 22;
- is likely to continue indefinitely;
- results in substantial functional limits in three or more major life activities such as self-care, receptive and expressive language, learning, mobility, capacity for independent living, self-direction, or economic self-sufficiency.

5.

3. Are you a University student? ☐ Yes ☐ No ☐ graduate ☐ undergraduate

If yes, from which department? _____

4. Why are you interested in participating in this project (Competence and Confidence: Partners in Policymaking)? Is there a specific issue or problem that encouraged you to apply for this program?

_____

_____

5. Are you currently employed in the field of developmental disabilities or a related field?

☐ Yes ☐ No

6. Will you make a time commitment to travel and attend training in the Harrisburg area (Friday and Saturday) each month for eight months beginning in October, 1994?

☐ Yes ☐ No

7. Are there any special arrangements necessary for you to participate in this program?

☐ Yes ☐ No

If yes, please describe (accessibility, interpreters, personal assistance services, respite, etc.)

_____

_____

8. Do you currently belong to any advocacy organizations? If so, please list them. Membership in organizations is <u>not</u> a requirement for this project.

_____

_____

9. Please tell us a little about yourself and your family.

_____

_____

_____

10. Please list 2 references with names, addresses and phone numbers.

a. _____

_____

_____

b. _____

_____

_____

11. Please tell us how you heard about this project:

_____

_____

Please send your application to: **Applications due August 30, 1994**

Competence and Confidence: Partners in Policymaking (C2P2)
Temple University, Institute on Disabilities/UAP
Room 423 Ritter Annex (004-00)
Philadelphia, PA 19122
Applications are available in Braille, Spanish, and large print.

Competence and Confidence: Partners in Policymaking (C^2P^2)

What Is It?

Competence and Confidence: Partners in Policymaking (C^2P^2):

- teaches people to be community leaders;
- provides information, training, resources and skills for:
  - parents of children with disabilities;
  - people with disabilities; and
  - university students

The program is open to a limited number of interested people at no cost.

What Does It Give You?

This program will give you:

- an opportunity to meet and talk to local and national leaders in the field of developmental disabilities;
- an understanding of and ability to change public policy;
- connections with organizations, opportunities and possibilities;
- an education about current issues and state-of-the-art practices;
- a productive partnership between underserved and unserved people and those individuals who make public policy.

The Difference You Can Make

- C^2P^2 teaches you to move education systems, supported living programs, employment opportunities and technologies toward excellence;
- Your involvement will create solutions and promote improvement in Pennsylvania's service system.

The Program

- 8 two-day sessions between December 1994 and June 1995 in the Harrisburg area;
- local and national leaders will present up-to-date information and discuss recent breakthroughs;
- sessions will begin at 12:00 p.m. on Friday and end by 2:00 p.m. on Saturdays;
- maximum number of 36 participants will be selected;
- a screening process will be used to select participants to obtain a balance of people (people of ethnic minorities, single parents, etc.);
- assignments will be given between sessions, with a major assignment (such as to serve as an intern to an elected official) by the end of the program;
- participants will be paid for travel, personal assistance services, respite care, and child care if necessary;
- lodging may be provided to participants from outside the Philadelphia area.

Competence and Confidence: Partners in Policymaking (C^2P^2) will train and educate you in the following:

- The history of the parent movement, self-advocacy, and independent living movements;
- The reasons for inclusive, quality education (including post-secondary) for people with developmental disabilities;
- The importance of person-centered planning;
- State-of-the-art technolgies for people with severe physical disabilities;
- How to analyze your county mental retardation plan, case management and the strategies used in the county planning process;
- Creating homes and family support;
- The importance of employment and careers;
- Critical federal/state issues and the process by which you can channel your concerns;
- Necessary skills for providing testimony or meeting with public officials; and,
- Successful techniques for advocating for supports and services.

Why You Should Fill Out The Application For Participation?

If you feel the need for increased skills in leadership; if you want to share and develop a collective vision for the year 2000 and beyond; if you want to meet and discuss issues with leading experts in the field of developmental disabilities; if you want the opportunity to develop grassroot efforts to affect public officials; if you want the chance to see and experience the newest technologies and practices available; if you want to understand the various social service systems and how to access needed support; if you want to be as effective as possible so that you can influence government processes and policies you should apply now !

Si necesita una copia en espanol, por favor llamar al (215) 787-1356

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TEMPLE UNIVERSITY
A Commonwealth University

Partners in Policymaking

Formally referred to as "P2P"

The program involves 8 training weekends, which start in October during the next 9 months. Weekends will be promptly on Friday afternoons at 1:00 P.M. and will conclude on Saturday afternoons at 3:00 P.M.

DATES	TOPICS
October 7th and 8th	History of Partners in Policymaking History of the Disability Movement
November 18th and 19th	The Concept of Support (living, working, recreation, etc.)
January 6th and 7th	Inclusive Education
February 3rd and 4th	Federal Programs and Initiatives
March 10th and 11th	Governmental Affairs Legislative Process- National and State
April 21st and 22nd	Assistive Technology
May 19th and 20th	My Advocates Guide to Community Organizing Basics of Community Empowerment
June 9th and 10th	How to Organize Effective Meetings Graduation

The sessions will be held at the Hilton Hotel at 1 North 2nd Street, Harrisburg, PA. This is at the corner of 2nd and Market Streets downtown.

Please don't hesitate to call (215) 204-1435 if you have any additional questions.

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Instructional Support System
of Pennsylvania
Pennsylvania Department of Education

DISTANCE LEARNING CENTER

5347 William Flynn Highway
Gibsonia PA 15044-9644
412-961-0294, 412-443-7821
toll free 800-446-5607
Fax 412-443-1310, TT 412-443-0671

DISTANCE LEARNING CENTER
SATELLITE TELECONFERENCE

Welcome to the teleconference! We hope you will make yourself comfortable and enjoy this dynamic new learning experience. The program has been carefully prepared to provide you with the very latest in educational information and at the same time allow you the opportunity to talk to the experts. We are delighted that you took the time to attend and hope you will find this a valuable experience.

During selected segments, there will be opportunities for questions from the audience at the originating site and those attending at a downlink site. **We encourage you to call the presenter(s) with any questions you may have. This is one of the features of a teleconference that is so exciting--it's just like being there.** We will handle calls in the order they are received and make every effort to accommodate you as quickly as possible.

Calls will be handled as follows:

- The toll-free number (800-443-2988) will appear on the screen with a message to call the teleconference presenter.
- Operators will be available to answer phones at the center.
- Calls will be transferred into the studio for the presenter in the order they are received.
- Once the question(s) has been asked, normally the call is disconnected so you can continue to view the teleconference.
- The conversation between you and the presenter will be heard by all viewers so please speak loudly and clearly into the phone.
- Calls will be taken at select times throughout the presentation. If you don't get through the first time, you may call at a later time.

We welcome your questions.

ENJOY THE TELECONFERENCE!

COMING TOGETHER

Parents Agencies

Schools Communities

If you have a student with a disability and ...

- the school district feels that it cannot appropriately educate the student using current district resources ...
- the student has been waiting for more than 30 days for an appropriate educational placement -- or you fear that the student may have to wait that long ...
- the student has an IEP that is not being implemented because of an inability to find the right placement or related service ...
- the student's IEP meeting has not been held or completed because of anticipated problems in carrying out a needed program ...
- the student is receiving instruction at home only because the school district does not know what else to do ... or
- you are having trouble finding the right package of education and other student services -- such as mental health, mental retardation, or children and youth agency services ...

then .....

CALL: 1-800-222-7372

The Interagency Cordero Work Group works collaboratively to help school districts develop prompt and appropriate special education and related children's services with an emphasis on supporting children and families in their local schools and communities. We want all children to learn and succeed. To get the job done, we bring together the resources of the state and local agencies that can help.

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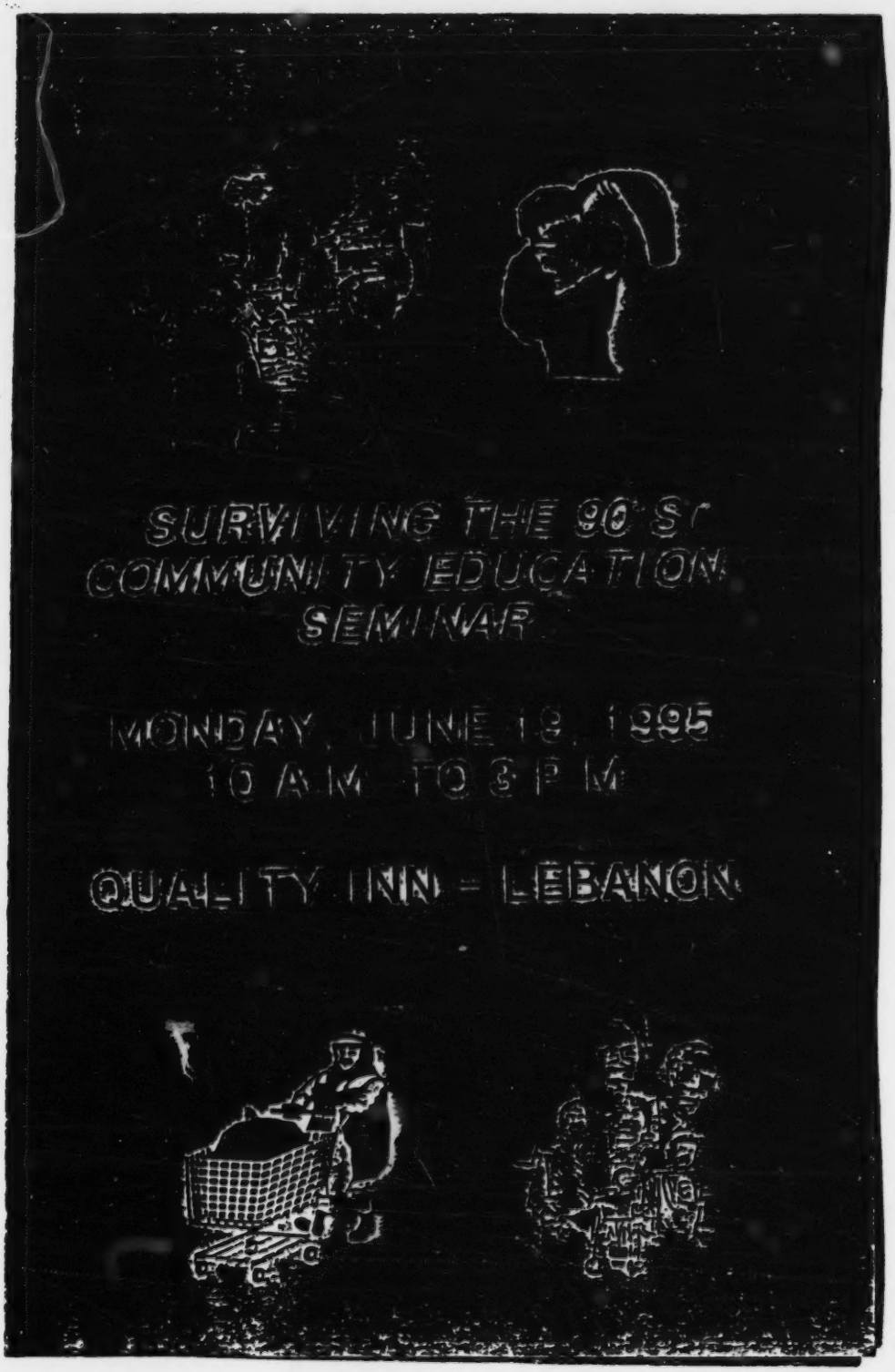

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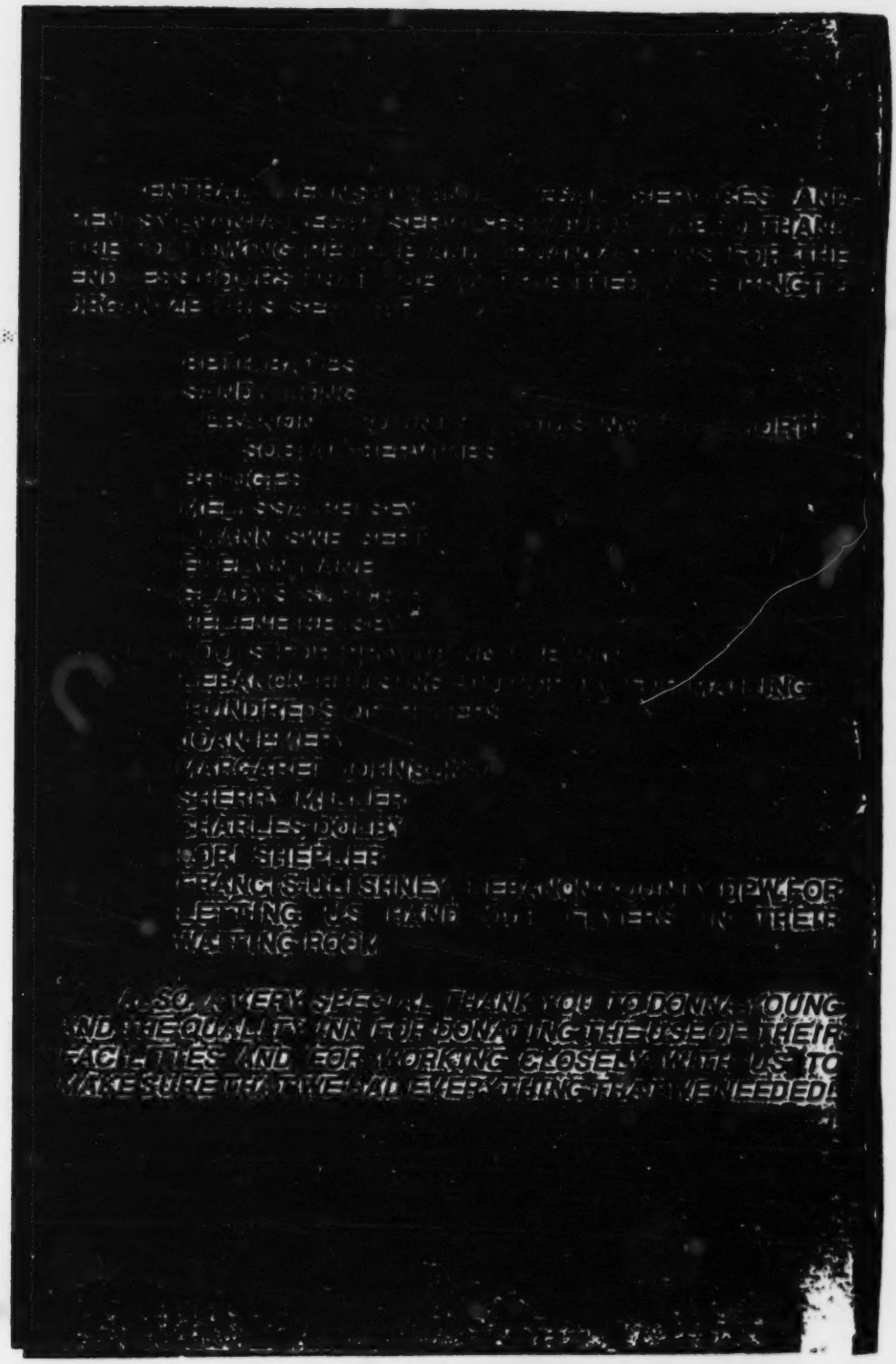

...SO A VERY SPECIAL THANK YOU TO DONNA YOUNG
...ND THE QUALITY INN FOR DONATING THE USE OF THEIR
...ACILITIES AND FOR WORKING CLOSELY WITH US TO
...AKE SURE THAT WE HAD EVERYTHING THAT WE NEEDED!

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13.

PENNSYLVANIA CASSP TRAINING AND TECHNICAL ASSISTANCE INSTITUTE

CERTIFICATE OF PARTICIPATION

This is to certify that

Beth Bates

has satisfactorily participated in

"WRITING EFFECTIVE TREATMENT PLANS"

May 23, 1995

33

34

Signed: Michael A. Banfield **Date:** May 23, 1995

Account of community service, extracurricular activities and accomplishments.

April 5 - 7th, 1995, I attended the Ninth Annual Interagency Children's Conference held at the Hershey Lodge & Convention Center, Hershey Penna. This conference was sponsored by Pennsylvania Child and Adolesent Service System Program (CASSP). I was presented a scholarship to attend this conference to represent Parent's Involved Network as the Parent Partner from Lebanon County. I have been involved with PIN as a Parent Partner since 1990.

The goals of the conference were to promote CASSP commitment to provide services that are least restrictive/ intrusive, child centered, family focused, community based, multi-system and culturally competent. This goal was achieved by presenting various workshops, training institute, and presenting nationally know speakers who offered their experience, ideas & insight on various mental health issues.

Once a month I attend a weekend training program sponsored by Temple University/Institute on Disabilities. This training program is known as C2P2, Competence and Confidence: Partners In Policymaking, and is an 8 month training program. The main goal of this program is to teach people to be community leaders, to provide information, training, resources and skills, which in return will enable us to be involved as an informed community leaders.

My involvement in this training program has enabled me to have the skills to create solutions and to promote improvement in Pennsylvania's service system.

At this time I find myself representing National Advocacy Agencies that have invited me to be a part of their outreach as a Advocate/Parent Partner for my community. I have responded to this need by saying, " Yes ".

Parent Education Network, funded by the Department of Education, is an agency that offers advice to parent's who are seeking advocacy and support on Educational Issues backed by access to the Education Law Center, in Philadelphia, Pa.

I became a part of PEN in 1990, as a Contact/Support Parent, in Lebanon County. I have been available to attend meetings with parents in the school setting, and to spend time in the home setting to educate and support parents with the Right to Special Education and the Laws which enforce them.

Once a month I attend the Cassp Advisory Board Meetings as a parent advocate. The main function of this board is for Human Service Agencies to come together as a group to discuss how we can better serve our community in regard to our patients mental health needs.

May 3rd & 4th, 1995 I attended a conference with Lebanon Housing social service department in Harrisburg, Penna, Working to Survive. In attendance were statewide human service agencies coming together to discuss the impact of the house republican welfare proposal on the state of Pennsylvania. The goal of this conference was to hold workshops on the various bills & the proposed federal changes that will take place if the Contract on America gets enough votes in its favor.

May 13, 1995 I have been asked to attend the Human Resource Luncheon to introduce me for the position with Lebanon Housing as Peer Advocate. I have been with Lebanon Housing since October 1995. This is a monthly luncheon held for all the agencies in Lebanon County. I have been requested to attend since I was hired, but was unable to attend due to attending MDE, IEP, meetings or was out of town for conferences.

May 22, 1995, I plan to attend a day in Harrisburg with the Disability Budget Coalition, who gather prior to the legislators' vote for the commonwealth budget.

May 23rd, 1995 I will be attending a CASSP training on writing effective treatment plans. This will enable me to have the skills needed when I attend the team treatment meetings with parents' and educate parents' to be a part of this process.

June 30th, 1995, my position ends with Lebanon Housing Authority. It is my hope that Lebanon Housing will receive another grant to hire me again. If not, I know that I will keep myself busy preparing to return to college for the 1995 Fall semester.

Beth Ann Bates

Summary of Advocacy Encounters

Advocate: Beth Bates 06/01/95

(Grant) Dept. of Education

S.M. was a student that I feel has benefited because of the outreach she has at our adult education center, known as Bridges. S.M. is a mother of 2 children, and raises them alone. As a child, Mom was hit on the head with a swing, which caused some brain damage. The results of this can be related to her learning disability and not learning how to read. Mom has been attending Bridges to learn how to read and to study the program on the computer for driver education, so she could take the written examination to get her drivers license. She has low self esteem, and needed to learn assertiveness rather than aggression. As I worked with her, I believe she learned this by the influence the teacher & I had with her, by setting examples for her to model.

S.M. was also overwhelmed with the responsibilities she had at home. Her son is a student in the 8th grade and was having problems. The teachers report he is non attentive, non-compliant, and shows no interest in school other than showing up. I became involved in this boy's life by attending his counseling sessions with mother & son in order to become better acquainted with his therapist and the family's involvement. At this session, I was informed that a Multi-disciplinary Evaluation (MDE), was scheduled for the following week. I would attend this meeting with S.M. and the therapist. We also discussed the medication his patient was taking and the diagnosis of Attention Deficit Hyperactivity Disorder and Oppositional Defiant Disorder. I was disappointed that his therapist was not able to attend this meeting due to bad weather conditions that morning. I contacted the school to postpone the meeting when I knew he could not attend, but my request was denied.

At the MDE the teachers reported that no matter what they try with this student, nothing works because he is non-compliant and refuses to participate. I found the staff willing and supportive of this student, but the school had no resources, ideas, or suggestions that would benefit this student. The problems they stated were his unwillingness to turn in any assignments or do any homework. He just shows up for school.

An IEP was held and an agreement made with Mom if her son came home from school with out any books he would need to return to school for the assignments. If not he would fail and repeat 8th grade. The staff had no support system to offer this student. What they did have was not working.

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From working very closely with this family, I discovered that in spite of all the problems, this mother's number one concern for herself and her family is to get an education. She tries very hard to achieve this goal for herself and is overwhelmed because she does not know how to help her children. She believes the problems are due to the peer pressure at school, the school district they live in and the housing unit they reside in.

I stressed the importance of S.M. seeking counseling for herself with Family Focus who could offer intensive case management in her home. This would be a support system for her and beneficial to creating a behavior management plan.

It was not long after that conversation that she became obsessed with moving out of Lebanon, overwhelmed at protecting her children from the enemy she considered to be the school district, the town she lives in and her neighborhood. She contacted me to let me know she was very distressed. I discovered she had not slept in four days or eaten anything. She placed her children with family in another school district so she could admit herself to the hospital to get the treatment she needed to become a better parent. She was admitted to a psychiatric hospital and was a patient for five weeks. She was discharged, is on medication and attending outpatient treatment three days a week. Her son was also admitted at the same hospital for three weeks and is on medication and still in treatment.

I remain in contact with this family on a weekly basis to continue my support to them. In September 1995, they will both return to continue their education.

It is my hope that they will return with a clearer vision and able to focus on being educated.

If we want to offer education, we need to look at the whole person, and find the solutions to help deal with their problems. Only then can we get their complete attention.

S. P. is the mother of a child with Attention Deficit Disorder, and severe behavior problems. He is in a support class in another school district. The majority of the school term had been a disaster. He had five inpatient psychiatric hospitalizations during this school term. At present, the recommendations were to have him placed in an institution. I was just informed that her son is being discharged from the hospital today, to begin intensive case management in his home. This will be under the direction of Edgewater, a (residential treatment facility).

This facility will offer seventy hours of therapy in the patients home. Since this family is dependent on medical assistance, the facility needed to be enrolled as a provider. This service was arranged by the family's caseworker provided by our local MHMR agency. This agency worked very hard to respect the mother's feelings, and keep him out of an institution.

When I became involved with this family, S.P. was frustrated with her son's teacher. She was preparing for the Multi-disciplinary meeting with the Intermediate Unit 13, who is involved in providing the services her son needed to stay in school. I met and talked almost daily to this woman to prepare for this meeting and to discuss the options available.

Our primary research was done by studying Section 504, the Right to Special Education, Chapter 14 & 15, to plan our agenda for the MDE. Our plan was to inform the school they were in violation of multiple suspensions and that we were going to request her son go to school 1/2 of the day and ask for a therapeutic aid to transport him home from school for homebound instruction with wraparound services. It was a major concern of mine that his acting out behaviors were happening due to lack of the teacher understanding or finding a behavior management program that was appropriate. I still feel because of lack of knowledge, understanding and education on behavior management, this boy was falling through the cracks. One major problem was, when he got frustrated he would become restless, begin to talk out loud, get up out of his seat and wander around the room. When he was asked to comply to direction, he would not cooperate. Then the aid assigned to him would be responsible to get him out of the room to take a time out in another room downstairs. At that point he would become aggressive and trash the room until the aid would need to restrain him. The next step would be to call his mother to come and talk to him and then to take him home for the remainder of the day.

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Present at this meeting: Mother, myself, the psychiatrist who did the school evaluations, his school teacher the therapist aid who was with him half of the school day, MHMR'S case worker, I.U.13 had three staff members, the son's speech teacher and the hospital who treated this boy when he was an inpatient.

At that meeting I became concerned when I asked the teacher to describe the child's behavior. When I heard the details, I felt the behaviors exhibited were to extreme for a diagnosis of ADHD alone and that perhaps they were missing another illness called Tourettes Syndrome. After the meeting I shared my concerns with S.M. about the syndrome and had her call the Tourettes Foundation for more information.

It was at this meeting S.P. was told the only recommendation being made for her son, was to have him placed into an institution, S.P. stated she did not want this for her son. As an advocate I supported her in this decision. The main reason I asked for homebound instruction, was to get him out of school until we could have a private evaluation done. It was obvious until we could get this child evaluated by another agency, and to discuss Tourette Syndrome with them, the school had given up on this student.

Mother shared her concerns with her son's teacher after this meeting and described the behaviors that would justify her feelings. The teacher did agree with her that it sure would explain many of the behaviors he saw in her child. But no one else listened to her concerns.

The outcome of that meeting was some what in our favor and the decision was made for him to be permitted to attend 1/2 of the day in school, with the aid transporting him home for the other half day at home with wraparound services.

When we talked about the serial suspensions, they felt they were not suspending him from school, just sending him home for the remainder of the day when they could not control his behavior. A date was arranged at this time for the IEP(Individualized Education Plan). It would be held in two weeks.

Our next plan was to call the Special Education Mediation System to request we go to mediation with the school. I knew that his education this school year was affected. This school was notified about our request for mediation but flatly denied by the school district.

Another student I worked with was E.M. Her son suffers from a central auditory processing problem. Mother is a well informed parent who had her son tested for this problem, and had a difficult time educating his teacher on this issue. I told her to get the test results and to request an MDE meeting. Mom attended the assertiveness training we offered at Bridges, and felt encouraged. She attended the MDE, which she felt was a success and together they developed the IEP with the supports and services her son needed in school.

S.B. is a student who could not give the attention needed to work on what she needed in the classroom. She made progress, but her mind was divided and focused on the events that had taken place in her life. Her daughter had been molested by her stepfather, who was S.B.'S ex-husband. I became involved with S.B. at the time she was to attend a court hearing about the molestation. This process consumed all her emotional energy and interfered with the attention needed to study. I attended the hearing and trial with her and her daughter. At this time she has been able to put this to rest and pick up and go on with her life. She has completed the SPOC (Single Point of Contact) and attends this program at our site. With this issue behind her, she can now move ahead and focus on her future. Within the next few weeks she will take her GED test.

L.K. is a mother of a young male adult son. This woman and her son have suffered because they could not get the supports needed for him to stay in school. He was literally kicked out of school, got involved in stealing at his Mother's place of employment . He and his Mother were both charged for theft. They made restitution, but mom and dad divorced, and the son remains uneducated, and struggles going from one job to another. I spoke with this woman about the Cordero lawsuit, and her right to file suit also.

She is full of painful memories and does not know if she would have the strength to expose herself and her son to past issues. one major concern for both of them is, neither one has their GED, and both experience learning disorders. At this time she is working on studying for her GED.

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When we attended the IEP, we were shocked when we were told that the agency providing transportation would no longer transport him to school. This would mean the boy could not attend school at all unless his mother would transport him. I.U. 13 also stated that her son had been denied transportation by them. Mother was told now by his teacher her son might as well stay home.

This family was without any support because he was discharged from the hospital with no follow-up from this facility at all. I knew that it would be only a matter of time until she would experience another crisis.

When it did, Mother called the crisis hot line and hoped they could find a different hospital for her son to be admitted. They could not, so he was placed in the same hospital as before. This has left me so much more upset and frustrated at the lack of treatment available in our area for children. Other services that were dropped under the wraparound services that are to be available to children who are covered under Medical Assistance were: the after school program and the Extended school Year program offered in the summer, denied him from attending this program.....

I have tried reaching mother at home by phone but, she had her phone service shut off. I called the caseworker at MHMR and she told me S.P. was burned out and did not want any more incoming phone calls. I requested when she visits the S.P. home that I go with her.

This family will need advocacy for much of his school years. We have not even started to find an appropriate behavior management plan, with the supports he needs or where he is educationally.

I plan to remain in contact with this family to assure them they are not alone.

LEBANON

City/Location	Development/Address	Zip Code	Phone	Total Units	Elderly	Family/ General	Special Needs
Jonestown	Walnut Manor 219 Fisher Street	17038	717-232-8721	36	0	34	2
Lebanon	Brookside Apartments* North 12th & Mifflin Streets	17042	717-273-4567	200	40	160	0
	Lebanon Towne House 1111 Reindehl St.	17042	215-355-6400	100	0	100	0
	Lebanon Village* 11th & E. Mifflin Streets	17042	717-272-9589	200	0	200	0
	Modular Units*		717-273-1639	60	0	60	0
	Poplar Terrace 605 South Eighth Street	17042	717-273-3333	76	71	0	5
	Scattered Sites*		717-273-1639	39	0	37	2
	Sixth & Willow Sts. Elderly Hsng* Sixth & Willow Streets	17042	717-274-1401	42	40	0	2
	Spruce Park Apartments 9000 Spruce Park St.	17042	717-273-9389	150	0	150	0
	Stevens Towers*		717-273-1639	102	100	0	2
	Towne House*		717-273-4566	100	100	0	0
	Tulpehocken Terrace S. College St. & Richland Ave.	17042	717-273-3333	46	0	46	0
	Washington Arms*		717-273-1639	63	60	0	3
	Webster Manor*		717-273-1639	102	0	100	2
	Willow Terrace 800 Willow Street	17042	717-273-7071	100	100	0	0
Myerstown	Washington Court 203 W. Washington Ave.	17067	717-866-2182	30	0	28	2

City/Location	Development/Address	Zip Code	Phone	Total Units	Elderly	Family/ General	Special Needs
North Cornwall Twp	Gloninger Meadows*		717-273-1639	25	0	23	2
	Highland Glen 120 Highland Glen	17042	717-272-2103	95	0	90	5
Palmyra	Palmyra Interfaith Housing*		717-838-5267	100	94	0	6
South Lebanon Twp	Cedar Court*		717-273-1639	41	0	39	2
TOTAL PROJECTS PER COUNTY:	20	TOTAL UNITS PER COUNTY:		1,707	605	1,067	35

BEST COPY AVAILABLE

CONTACTS

Commonwealth of PA -- Department of Education
333 Market Street
Harrisburg, PA 17126
(717) 783-6788
(1994 Side-by-Side PA Special Education Regulations)

Education Law Center
801 Arch Street
Suite 601
Philadelphia, PA 19107
(215) 238-6970
(pamphlets, legal advise)

Parent Education Network (PEN)
(800) 522-5827

Children with Attention Deficit Disorder (CHADD)
(215) 628-8665

ARC (Lancaster)
(717) 394-5251

Tourette Syndrome Association
(717) 337-1134

Learning Disability Association (Lancaster)
(717) 394-5452

Your Local Task Force
(800) 692-7258
(For information on the Task Force in your area call the State Task Force at the above number)

Parent Involved Network (PIN)
(800) 688-4226
(Helps families whose children have emotional problems)

Parents rights are outlined in **PENNSYLVANIA STATE CODE (55 PA CODE 4225)** and you should be given a copy. If not, ask!

Local Interagency Coordinating Councils:

Northeast Region
Office of MR
100 Lackawanna Avenue
Third Floor, Room 315
Scranton, PA. 18503
(717) 963-4749

Central Region
Office of MR
P.O. Box 2675
6th Floor Bertolino Bldg.
Harrisburg, PA. 17105
(717) 772-4906

Western Region
Office of MR
1403 State Office Bldg.
300 Liberty Avenue
Pittsburgh, PA. 15222
(412) 565-5144

Southeast Region
Office of MR
306 State Office Bldg.
1400 Spring Garden St.
Philadelphia, PA. 19130
(215) 560-2242

You have a right to mediation. After all efforts to resolve the issues locally have been unsuccessful, you may contact:

Special Education Mediation System
(800) 992-4334

OR

Division Of Compliance
Bureau of Special Education
333 Market Street
Harrisburg, PA. 17126-0333
(717) 783-6913

OR

Right to Education
(800) 222-7372 or (717) 657-5840

ASSOCIATION FOR RETARDED CITIZENS (ARC--PA.)
123 Forster Street
Harrisburg, PA. 17102
(800) 692-7258
Parents and professionals advocating for people with mental retardation.

AUTISM SOCIETY OF AMERICA-PA.
500-G Garden City Drive
Garden City Plaza
Monroeville, PA. 15146
(412) 856-7223

AUTISM SUPPORT AND ADVOCACY IN PA. (ASAP)
234 Lenoir Avenue
Wayne, PA. 19087
(215) 688-8894
(717) 234-2621

C.H.A.D.D. of Lebanon County
Eugenia A. Potters, parent coordinator
Lebanon, PA.
(717) 272-6563
Support group offering support and information to parents of children with Attention Deficit Hyper-activity Disorders. Also Passive Attention Deficit Disorder.

CONNECT HOTLINE FOR EARLY INTERVENTION
150 South Progress Avenue
Harrisburg, PA. 17109
(800) 692-7288
Will assist in locating local, state, and national associations for individuals with disabilities, local services, and information.

COUNCIL FOR THE BLIND
Adelphia House, #5 Mezzanine
1229 Chestnut Street
Philadelphia, PA. 19107
(215) 238-1410

Dept, HEW
Family Educational Rights
and Privacy Act Office
330 Independence Ave., S.W.
Washington, D.C. 20201

EASTER SEAL SOCIETY
1500 Fulling Mill Road
P.O. Box 497
Middletown, PA. 17057
(717) 939-7801

EDUCATION LAW CENTER
Suite 610
801 Arch Street
Philadelphia, PA. 19107
(215) 238-6970
Focuses on the rights of children in the public school system and early intervention services.

EPILEPSY FOUNDATION
Suite 505, GSB Building
City Line and Belmont Avenues
Bala Cynwyd, PA. 19004
(215) 667-7478

FAMILY POLICY AND REGULATIONS OFFICE
U.S. Department of Education
Washington, D.C. 20202
If your school district refuses to comply with requirements for reviewing your child's school records.

LEARNING DISABILITIES ASSOCIATION OF PA.
Box 208
Uwchland, PA. 19480
(215) 458-8193

MENTAL HEALTH ASSOCIATION IN PA.
120 South Street
Harrisburg, PA. 17101
(717) 236-9363

PENNSYLVANIA ASSISTIVE TECHNOLOGY CENTER (PATC)
Gateway Corporate Center
6340 Flank Drive, Suite 600
Harrisburg, PA. 17112-2746
(717) 541-4960
(800) 360-7282

Delivers support, training, and equipment to educators, professionals, families, and individuals throughout Pennsylvania who use assistive technology.

PENNSYLVANIA SPECIAL EDUCATION MEDIATION SERVICES
Box 130
Marlin, PA. 17951
(800) 992-4334
(800) 654-5984 (TDD)

Trained mediator will be provided to help reach a solution regarding early intervention services.

PENNSYLVANIA PROTECTION AND ADVOCACY (P.P.and A.)
116 Pine Street
Harrisburg, PA. 17101
(800) 692-7443 (V/TDD)

Providing advocacy services for any child with mental retardation, physical disabilities, or mental concerns.

PENNSYLVANIA ASSOCIATION FOR GIFTED EDUCATION (PAGE)
P.O. Box 890
McMurray, PA. 15317
(412) 941-6945

PENNSYLVANIA PROTECTION AND ADVOCACY INC.
Suite 102
116 Pine Street
Harrisburg, PA. 17101
(800) 629-7443
(717) 236-8110

PENNSYLVANIA SOCIETY FOR THE ADVANCEMENT OF THE DEAF
616 Chestnut Ridge Drive
Pittsburg, PA. 15205
(412) 787-7771

Ralph Warner
201 Second Street
Pennsburg, PA. 18073
(800) 442-4017

REGIONAL CIVIL RIGHTS DIRECTOR
Office for Civil Rights, Region III
US Department of Education
Gateway Building 3535 Market Street
Box 13716
Philadelphia, PA. 19104
(215) 596-6772 TTY (215) 596-6794

SPECIAL NEEDS ALLIANCE OF PARENTS (SNAP)
P.O. Box 696
Harrisburg, PA. 17108-0696
(800) 442-4017
Parent organization to provide advocacy and support.

TECHNICAL ASSISTANCE FOR SENSORY IMPAIRED PROGRAMS (TASIP)
150 South Pregress Avenue
Harrisburg, PA. 17109
(800) 222-7372
(717) 657-4334
Provide information and assistance to obtain services for children with visual or hearing impairments.

TOURETTE SYNDROME SOCIETY
1015 Baltimore Pike
Gettysburg, PA. 17325-7002
(800) 446-6356
(717) 337-1134

UNITED CEREBRAL PALSY OF PA.
120 South Street
Harrisburg, PA. 17101
(717) 236-1334

(NAT'L DISABILITY GROUPS cont.)

Association of Birth Defect Children
3526 Emerywood Lane
Orlando, FL 32812
407-859-2821

March of Dimes Birth Defect Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
914-428-7100

United Cerebral Palsy Association
7 Penn Plaza
Suite 804
New York, NY 10001
212-268-6655
800-USA-1UCP

Association for Children with Down Syndrome
2616 Martin Avenue
Bellmore, NY 11710
516-221-4700

Spina Bifida Hotline
800-621-3141

National Down Syndrome Congress
1800 Dempster Street
Park Ridge, IL 60008
312-823-7550
800-232-6372

National Down Syndrome Society
141 Fifth Avenue, 7th Floor
New York, NY 10010
212-460-9330
800-221-4602

Epilepsy Foundation of America
4351 Garden City Drive
Landover, MD 20785
301-459-3700
800-EFA-1000

National Information Center on Deaf-Blindness
800-672-6720 ext.5289 (V/TDD)

Alexander Graham Bell Association for the Deaf
3417 Volta Place, NW
Washington, DC 20007
202-337-5220 (V/TDD)

American Society for Deaf Children
814 Thayer Avenue
Silver Spring, MD 20910
301-585-5400 (V)
301-584-5401 (TDD)

Auditory-Verbal International, Inc.
505 Cattell Street
Easton, PA 18402
215-252-3461

National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 10910
301-587-1788 (V/TDD)

National Cued Speech Association
P. O. Box 31345
Raleigh, NC 27622
919-828-1218

National Information Center on Deafness
Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
202-651-5051 (V)
202-651-5052 (TDD)

John Tracy Clinic
806 W. Adams Blvd.
Los Angeles, CA 90007
213-748-5481
800-522-4852 (V/TDD)

Tripod Services for the Hearing Impaired
2901 N. Keystone Street
Burbank, CA 91504
800-352-8888 (V/TDD)

Association for Children and Adults
with Learning Disabilities
4126 Library Road
Pittsburgh, PA 15234
412-341-1515
412-341-8077

National Center for Learning Disabilities
99 Park Avenue
New York, NY 10016
212-687-7211

American Association of Mental Retardation
800-424-3688

(NAT'L DISABILITY GROUPS cont.)

Federation of Families for Children's Mental Health
National Mental Health Association
1021 Prince Street
Alexandria, VA 22314-2971
703-684-7722

Association for Retarded Citizens of the US
2501 Avenue J
Arlington, TX 76006
817-640-0204
800-433-5255

American Speech-Language-Hearing Association
10801 Rockville Pike
Rockville, MD 20852
800-638-8255 (V/TDD)

American Council of the Blind
1155 15th St., NW
Suite 720
Washington, DC 20005
202-393-3666
800-424-8666

American Foundation for the Blind
15 W. 16th Street
New York, NY 10011
212-620-2147
800-232-5463

National Association for Parents of the Visually Impaired
2180 Linway Drive
Beloit, WI 53511
800-562-6265
608-362-494

National Association of the Visually Impaired
22 West 21st Street, 6th Floor
New York, NY 10010
212-889-3141

National Federation of the Blind
1800 Johnson Street
Baltimore, MD 21230
301-659-9314

The Association for Persons with Severe Handicaps (TASH)
7010 Roosevelt Way, NE
Seattle, WA 8115
206-523-8446

American Council on Rural Education (ACRES)
Western Washington University
Bellingham, WA 98225
206-676-3576

Tourette Syndrome Association
4240 Bell Blvd.
Bayside, NY 11361-2861
800-237-0717

National Information Center for Children and Youths with Handicaps
P. O. Box 1492
Washington, PA 20013
703-893-6061
800-999-5599

National Institute of Neurological and Communicative Disorders
NIH
Building 31, Room 8A-06
Bethesda, MD 20892
301-496-4000

Office of Special Education and Rehabilitation Services
Clearinghouse on Disability Information
US Department of Education
Switzer Building
330 C Street, SW
Washington, DC 20202
202-732-1732
202-732-1245

RESOURCES (Attention Deficit Disorders)

Agency	Address	Telephone	Services Offered	Publications
Secretary of Education Donald M. Carroll, Jr.	PA Dept. of Education 333 Market Street Harrisburg,PA 17126-0333	(717)787-5820		PA Special Education Regulations and Standards, Including Chapter 14, Chapter 342, Chapter 15
Office of Elem/Secondary Education Joseph Bard	PA Dept. of Education 333 Market Street Harrisburg,PA 17126-0333	(717)787-2127		
Bureau of Special Education James Tucker	PA Dept. of Education 333 Market Street Harrisburg,PA 17126-0333	(717)783-6913		
State Board of Education Robert E. Feir	333 Market Street Harrisburg,PA 17126-0333	(717)787-3787	Public meetings quarterly with full Board to make and enforce educational policy in PA	Minutes of meeting available by calling the State Board of Education
PA Dept. of Education Office of Compliance	Bur. of Special Education PA Dept. of Education 333 Market St. Harrisburg,PA 17126-0333	(717)783-6913	Investigates complaints relating to failure of a school/district to comply with state and/or federal laws and regulations.	
CH.A.D.D. National Office (Children with Attention Deficit Disorders)	499 N.W. 70th Ave., Suite 308 Plantation, FL 33317	(305)587-3700	Information and support to parents of children with ADD/ADHD and professionals that deal with these children.	CHADDER, CH.A.D.D.ER Box, CH.A.D.D. Teacher's Guide, CH.A.D.D. Medical Management Guide, Controversial Therapies, ADD Fact Sheet (included in membership fee) CH.A.D.D. Educators Manual
CH.A.D.D. State Council of Pennsylvania	1103 Butler Pike Blue Bell, PA 19422	(215)654-9499	Coalition of parents and professionals advocating for the educational needs of children with ADD, teacher inservice training and state funded research.	The ADDvocate-newsletter published occasionally
Education Law Center (ELC)	1708 Law and Finance Building 429 4th Ave. Pittsburgh, PA 15219	(412)391-5225	Non-profit law firm.Any parent, child advocate or student can call with questions concerning student rights. A member of the legal staff will return the call. No cost for ELC-PA's services.	The Right to Special Education in Pennsylvania: A Guide for Parents (Single copies free)
The Education Law Center-PA	Suite 610, 801 Arch Street Philadelphia, PA 19107	(215)238-6970	Same as above.	Same as above.

Parent Education Network (PEN)	333 E. 7th Ave. York, PA 17404-2139	(717)845-9722 (800)522-5827	Referral and consultation in identifying services or assistance within parents' local area, provides workshops.	Newsletter "PEN News" A Parent Guide for Resolving Conflict Concerning Your Child's Special Education Needs, IEP Guide for Parents, Early Intervention Programs & Services: A Guide for Parents (all free)
Connect Information Service		(800)692-7288	Information and referral for education programs and services available to children with disabilities from birth to 21.	Call Connect for list of free literature
Learning Disabilities Assoc. of PA	Toomey Building, Suite 7 Uwchland, PA 19480	(215)458-8193	Information/referral and advocacy for children or adults with learning disabilities.	Newsletter (subscription fee)
Parents Involved Network (PIN of PA)	311 South Juniper Street, Suite 902 Philadelphia, PA 19107	(800)688-4226 (215)735-2465	Self-help/advocacy, information and training resource for parents of children and adolescents who have emotional problems	
Pennsylvania Protection and Advocacy (PP & A)	116 Pine Street Harrisburg, PA 17101	(800)692-7443	Information and advocacy services.	Informationalmaterial-write for list
National Clearinghouse on Family Support & Children's Mental Health	Portland State University P.O. Box 751 Portland, OR 97207-0751	(800)999-5599	Clearinghouse designed to serve families of children with serious emotional disorders. Computerized data bank, fact sheets.	
Higher Education and Adult Training for people with Handicaps (HEATH)	One Dupont Circle, Ste.800 Washington, D.C. 20036	(800)544-3284 (202)939-9320	Information on educational support services and opportunities on American campuses, vocational-technics' schools, adult education programs, and other post high school training programs.	Contact for list of current free publications
National Information Center for Children & Youth with Disabilities (NICHY)	P.O. Box 1492 Washington, D.C. 20013-1492	(800)999-5599	Free information to assist parents, educators, caregivers, advocates and others in helping children and youth with disabilities become participating members of the community.	Contact for list of current free publications
ADD Warehouse	300 N.W. 70th Ave., Suite 102 Plantation, FL 33317	(800)233-9273	Books, training in programs, audio and video tapes for parents, educators, mental health professionals and children which address the needs of children with attention deficit disorders.	Call to request free catalog

EARLY INTERVENTION RESOURCES

PENNSYLVANIA

INFORMATION/ADVOCACY

Connect Information Services
150 South Progress Avenue
Harrisburg, PA 17109
800-692-7288

Education Law Center
Suite 610
801 Arch Street
Philadelphia, PA 19107
215-238-6970

Parent Education Network
333 East 7th Avenue
York, PA 17404
717-845-9722 (V/TDD)
800-522-5827 (V/TDD)

Parents Involved Network
311 South Juniper Street
Philadelphia, PA 19107
215-735-2465

PA Protection & Advocacy
116 Pine Street
Harrisburg, PA 17101
800-692-7443 (V/TDD)

PA Special Education Mediation Services
Box 130
MarLin, PA 17951
717-544-2657
800-692-4334 (V/TDD)

Technical Assistance for the Sensory Impaired (TASIP)
150 South Progress Avenue
Harrisburg, PA 17109
717-657-5840 (V/TDD

STATEWIDE DISABILITY GROUPS

Alliance for the Mentally Ill in PA
2149 N. Second Street
Harrisburg, PA 17110
717-238-1514

Association for Retarded Citizens of PA
123 Forster Place
Harrisburg, PA 17102
717-234-2621 800-692-7258

Autism Society of America, PA Chapter
P. O. Box 156
Swarthmore, PA 19081
215-975-0125

Learning Disabilities Association of PA
Toomey Bldg., Suites 2 & 3
Uwchland, PA 19480
215-458-8193

Mental Health Association of PA
900 Market Street
2nd Floor
Harrisburg, PA 17101
717-236-9363

PA Easter Seal Society
P. O. Box 497
Middletown, PA 17057-0497
717-939-7801

PA Society for the Advancement of the Deaf
616 Chestnut Ridge Drive
Pittsburgh, PA 15205
412-787-7771 (TDD)

PA Tourette Syndrome Association
1015 Baltimore Pike
Getysburg, PA 17325
800-446-6356

United Cerebral Palsy of PA
120 South Street
Harrisburg, PA 17101
717-236-1334

PA STATE AGENCIES

Blindness and Visual Services
Department of Public Welfare
901 N. 7th Street, P. O. Box 2675
Harrisburg, PA 17105
717-787-6176

Children's Rehabilitation Services
Division of Rehabilitation
Department of Health, Room 714
P. O. Box 90
Harrisburg, PA 17108
800-692-7254 (Hotline/V)
800-932-4639 (Hotline/TDD)

Early Intervention Programs
Office of Mental Retardation
Department of Public Welfare
Health & Welfare Bldg., Room 302
Harrisburg, PA 17120
717-783-5764

Early Intervention Programs
PA Department of Education
Bureau of Special Education
333 Market Street
Harrisburg, PA 17126-0333
717-783-6913 (V)
717-787-7367 (TDD)

Office for the Deaf & Hearing Impaired
Labor and Industry Bldg., Room 308
7th and Forster Streets
Harrisburg, PA 17120
717-783-4912 (V/TDD)
800-233-3008 (V/TDD)

NATIONAL

INFORMATION/ADVOCACY

American Bar Association
National Legal Resource Center for Child Advocacy & Protection
1800 M Street, N.W., Suite 200
Washington, DC 20036
202-331-2250

Children's Defense Fund
122 St. NW, Suite 400
Washington, DC 20001
212-628-8787

Council for Exceptional Children
1920 Association Drive
Reston, VA 22019
703-620-3660

Keshet-Jewish Parents of Children with Special Needs
3525 West Peterson
Chicago, IL 60659
312-588-0551

Mental Health Law Project
2021 L reet NW, Suite 800
Washington, DC 20036
202-467-4730

National Catholic Office for Persons with Disabilities
P. O. Box 29113
Washington, DC 20017
202-259-2933 (V/TDD)

National Easter Seal Society
70 East Lake Street
Chicago, IL 60601
312-726-6200

SPECIFIC DISABILITY GROUPS

Children with Attention Deficit Disorders (CHADD)
1859 Pine Island Road, Suite 135
Plantation, Florida 33322
305-384-6869
305-587-3700

National Autism Hotline
Autism Services Center
Douglass Education Building
10th Avenue and Bruce Street
Huntington, WV 25701
304-525-8014

PRISE

....INFORMATION SERVICES....

General Distribution Bibliographies listed below are available to you upon request. The information is offered in support of this teleconference and is provided free of charge to persons working with special needs students throughout Pennsylvania. To order bibliographies which are of special interest to you, mail the filled-in bottom portion of this sheet to:

Eastern Instructional Support Center/PRISE
General Distribution Bibliographies
200 Anderson Road
King of Prussia, PA 19406

129-93 Inclusive Education
Contains articles that provide the rationale for inclusive schooling, describe model programs, and present strategies to support the successful integration of all students in the regular education classes of their neighborhood schools.

133-93 Inclusion at the Secondary Level
This file contains information applicable to program planning, curriculum, teaching methods, vocational and supported employment strategies, program descriptions and outcomes directed toward full inclusion at the middle and secondary level.

135-93 Inclusion at the Elementary Level
The placement of students with special needs in the regular classroom requires a thorough understanding of service options and appropriate implementation methods. These articles and excerpts contain information on research, implementation and impact of inclusion.

136-94 Inclusion at the Preschool Level
Contains descriptions of programs where appropriate strategies are employed to support the full inclusion of young children with challenging needs in regular settings with their nondisabled peers.

Name _____ Phone # _____

Address _____

City _____ State _____ Zip _____

School District _____

Bibliography Number ____ ____ ____ ____ ____

PRISE
••••INFORMATION SERVICES••••

General Distribution Bibliographies listed below are available to you upon request. The information is offered in support of this teleconference and is provided free of charge to persons working with special needs students throughout Pennsylvania. To order bibliographies which are of special interest to you, mail the filled-in bottom portion of this sheet to:

Eastern Instructional Support Center/PRISE
General Distribution Bibliographies
200 Anderson Road
King of Prussia, PA 19406

5-94 Supported Employment
Provides a review of the literature concerning supported employment as an option for persons with severe disabilities

36-94 Transition from School to Work of Persons with Moderate to Severe Disabilities
Contains information for parents, articles on curriculum and planning, and descriptions of transition programs.

37-91 Transition from School to Work of Students with Mild Disabilities
Includes information on parent involvement, job-related skills, and transition models and programs.

73-92 Transition of Students with Mild Disabilities to Postsecondary Education
Information for parents, educators, and counselors on model programs and procedures to help high school students with mild disabilities adjust to university or vocational settings.

98-94 Supported Employment: Issues and Components
Contains citations which address various components of and issues involved in supported employment.

142-94 Effectiveness of Supported Employment
Supported employment research studies.

Name _____ Phone # _____

Address _____

City_____ State_____ Zip _____

School District _____ IU _____

Bibliography Number _____ _____ _____ _____ _____ _____

Instructional Support System
of Pennsylvania
Pennsylvania Department of Education

STATEWIDE SUPPORT INITIATIVE

P.O. Box 213
Lewisburg, PA 17837
(717) 523-1155, Ext. 213, or (717) 523-7344
FAX (717) 524-7104

January 16, 1995

SUBJECT: The Cordero Court Order

TO: Interested Parties

FROM: Tim Knoster, Director of the Statewide Support Initiative
of the Instructional Support System of Pennsylvania

Attached you will find a brief resource that highlights the relationship between Person/Family Centered Planning and Individualized Educational Plans. Please be advised that this document is being provided as a resource as you may find it useful in the planning and delivery of services to meet the needs of children covered under the Cordero court order.

In closing, it is hoped that you will find this material useful in your local endeavors. Please feel free to contact my office as you may need access to additional resources along these lines.

TK:ef

cc: Systems Change (Cordero) Work Group
SSI Directors
Rhonda Tyree

meaningful supportive interventions been provided in a timely manner). The point of noting this in such a blunt manner is not to cast blame, but rather to help unfreeze our thinking about IEP development and delivery.

One particular approach that has been found to effectively facilitate the development and delivery of meaningful IEPs for children with this degree of need has been Person and Family Centered Planning. Use of such an individualized planning approach can have a dramatic positive influence on the educational team's focus and subsequent development and implementation of the IEP.

So What Do We Mean by Person and Family Centered Planning . . . and How is it Different from What We Typically Do?

The term "Person and Family Centered Planning" is used to describe a group of approaches that can be used to organize and guide community change in alliance with children with disabilities and their families and friends. A number of approaches to Person and Family Centered Planning exist (Personal Futures Planning, PATHS, etc...) with all having in common the following foundation of beliefs:

- The child at the focus of the planning, and those who know the child the best, are the primary authorities on the child's life direction. The key questions become . . ."Who is the child?", and "What community opportunities will enable this person to pursue his or her interests in a positive way?".

- The purpose of planning is to learn through shared action as a team. For example, the focus child and those who know them best may be uncertain about what is possible or even desirable, thus one function of the planning process may be to decrease uncertainty. In another example, there may be disagreement between team members as to what is possible or desirable, thus another function becomes resolving conflicts in a constructive manner.

- The planning process looks to positively change common patterns of community life for the focus child (i.e., increase their presence within the local community as opposed to placement into segregated programs and facilities).

- Person and Family Centered Planning moves the focus from being systems centered (i.e., what already exists in the continuum of placements options) to being individualized (i.e., how do we enhance access to the desirable future as articulated through the planning process).

- Honest Person and Family Centered Planning can only occur when there is a healthy respect for the dignity and completeness of the focus child (i.e., acceptance of the child and family as full partners as opposed to viewing them as simply recipients of service).

- Planning along these lines engages powerful emotional and ethical issues and calls for a sustained search for effective ways to deal with difficult barriers and conflicting demands.

Specifically, Person and Family Centered Planning differs from the traditional IEP development process in that it creates a compelling image of a desirable future for the child, looks to strengthen personal relationships, and helps team members to learn by reflecting upon their successes and failures as a team. This group of approaches can help to reduce systems' uncertainty by providing an alternative route to complying with existent rules and regulations

In another example, a sixteen year old's Futures Plan may indicate the desire for finding a job in the local community. Then, under the guise of providing transition related activities on the IEP the educational team decides to place the young man in an existent program in a different school outside the local community where he and his family currently reside. The bottom line is that regardless of how good the services may be in the different school setting, there are typically stark differences in terms of outcomes when services (i.e., transition related supports) are made portable to the community where the focus person is located. This is particularly true in this example as we know that connections with others within the local community greatly enhances the likelihood of successful transition from school to adult life by students eligible for special education services.

Use of a Person and Family Centered Plan necessitates the educational team to rethink their traditional route to placement and begs the question of "what is it about the nature of the services delineated on the IEP that makes it impossible or impractical to provide those same services within the child's home school and local community?". In the absence of such a personalized plan, this question in all likelihood would not be asked . . . yet alone debated at the local level. In reality, such conflicts, and resultant debate is what gives rise to the development of new and innovative services within local communities as specifically called for in the Cordero court order.

A Framework for Writing IEPs that is Consistent with a Person and Family Centered Planning

One of the greatest challenges in comprehensively meeting the needs of children whose needs perplex our service delivery structures through this approach is in creating a marriage between Person and Family Centered Planning and the IEP. Specifically, as is important with any relationship, the quest is to create the bond between these two entities while maintaining the integrity of each one's identity.

Just as Person and Family Centered Plans will look different from child to child, so too is the expectation with regard to meaningful IEPs for children in our schools. Different planning processes will require varying team members and require varying amounts of time over the course of the child's eligibility to receive special education services.

Acknowledging this, it is highly recommended that the following framework for interagency collaboration be considered by local educational teams in designing and implementing the IEP for children identified as members of the Cordero class. It is also suggested that teams may find this framework useful for a number of additional children who may present challenges to their existent structure of service delivery.

In developing this framework, we have endeavored to infuse at the front end of the process core elements of Person and Family Centered Planning. The information attained during this initial phase of the planning process then naturally should lead to the identification of barriers and goals, which can then be translated into IEP terms for agreement.

The order of progression is particularly important in this outlined process as at the front end the team . . . most particularly the child and those that know him or her the best . . . articulate their desires for the future. Additionally in the beginning, the focus is exclusively on the child's strengths . . . what they can do . . . as opposed to our traditional approach of what they cannot do. This is then followed by an exploration concerning natural supports systems that exist within the local community.

Discussion of natural supports represents a fundamental departure from traditional development of IEPs as the nature of our traditional model of special education reinforces the notion that the more formal services provided to the child the better. In essence what has gradually occurred in special education, and quite frankly across all forms of child serving systems is that we have in many instances created unnatural co-dependencies between providers and consumers of services (i.e., special education systems and students). Ultimately, our goal should be to clearly enable all children, as a result of their IEPs, to be able to acquire the necessary supports to enhance their quality of life within their local communities through the least intrusive means possible (i.e., family, friends, etc...).

In essence, if the foundation of the child's life after completing however many years of special education is that the majority of people who are involved with him or her are paid to be with them one should be able to see the co-dependency issues. Additionally, due to the complex nature of most Cordero class members' cases it has not been possible to effectively meet many of the class members' needs in an appropriate manner without engaging informal natural support systems.

Natural supports can avail themselves in many forms to the educational team, but the team has to be consciously looking for such resources. As the old saying goes, "the last ones to discover the water are the fish." Often times the most logical and obvious solutions to complex issues are right under our very noses if, and only if, we are alert enough to see them.

Examples of natural support systems can be neighbors, relatives, individuals from local churches and synagogues, people from local groups and/or organizations, and the like. The key ingredient, and consistent across all of these examples, is that the natural supports appear in the form of people from within the local community. And in most instances, these people give freely of themselves because they want to and resultantly benefit through a sense of contribution on a personal level. Money rarely, if ever, becomes a major inhibitor when it comes to natural supports. Wouldn't it be nice to be able to say the same about more formal types of human services inclusive of education. Clearly, this is one of the greatest strengths of naturally occurring supports for all of us as human beings and members of our local communities.

One final observation concerning the access of natural supports within local communities is appropriate in regard to culture and children who are members of cultural/ethnic minority groups (African American, Latino/Hispanic, etc.). Person and Family Centered teams, as well as educational teams planning IEPs, need to connect with and include in the planning process cultural brokers (i.e., often times it is inadequate to superficially assume that because there may be people of color on the team that these individuals can serve as cultural brokers. Family members [including the child whenever possible] need to be involved with the identification of cultural brokers to best ensure connectedness with appropriate sources of support in the child's local community).

Final Thoughts

While children identified as members of the Cordero class are a very small group of children when compared with other children eligible for special education services across the Commonwealth (i.e., less than five hundred children vs. approximately two hundred eighty thousand children), the complexity of providing each child with a "Free Appropriate Public Education" has created an extraordinary strain on existent structures in school districts and their child serving human service systems counterparts at the county level. Continued use of traditional approaches to IEP development for Cordero class members appears to represent an effort in futility as we have learned that slot based approaches to programming have been ineffective. If this were not the case these children would never have been identified as class members under this court order. Further, continued use of our traditional approaches may in fact exacerbate rather than relieve difficulties in meeting the needs of the child and family through the IEP.

One of the most challenging aspects to reflect upon in special education is that when our current approach to intervening in a given situation proves to be ineffective that we, as a team, need to consider different approaches to achieve the desired outcomes. It is the intent that a given child's IEP (i.e., Cordero class member) and subsequent placement decisions be a dynamic process that is expected to change over time as needs and circumstances change.

Unfortunately, the rigid structure that has evolved based on our systems institutionalization of the IEP process has been in a number of instances ineffective in meeting the needs of children eligible for special education. Certainly this is the case for members of the Cordero class and arguably a larger group of children currently eligible for special education services in Pennsylvania. We need to collectively unfreeze our thinking with regard to the design and delivery of special education to be able to truly individualize IEPs in order to meet a growing number of children's needs in a meaningful manner. Use of alternative planning processes as outlined here provide one tangible route for teams to consider. Use of these practices can minimally help school systems to comply with the law in terms of delivering a "Free Appropriate Public Education," but most importantly best ensure that what we do in the name of a child's IEP is meaningful and helps the child to enhance their quality of life.

Special note: A significant portion of this resource was based on the work of John O'Brien and Herb Lovett. Specifically, the initial description of Person and Family Centered Planning was drawn from "Finding a Way Toward Everyday Lives . . . The Contribution of Person Centered Planning" developed for Pennsylvania's Office of Mental Retardation (1992).

Additional References

Cordero v. Commonwealth of Pennsylvania Department of Education, 795 F. 1352 (M.D. Pa., 1992).

Special note: Readers interested in obtaining additional information related to Person and Family Centered Planning should contact Dr. Tim Knoster at 717-523-1155, ext. 213, or 717-523-7344.

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The Family Forum Series

What is the Family Forum Series?

The Family Forum is an opportunity for families to learn and dialogue with families and mental health professionals.

The Family Forum Series idea arose out of discussions among the Philhaven Parent's Advisory Council and Philhaven Child and Adolescent Clinicians.

The Family Forum Series will present speakers throughout the year who work with and for children in their respective fields. Topics to be addressed will include:

- access to and availability of services for children and families
- student and parent rights regarding educational needs, legal issues and special education placement
- support for families with a child experiencing behavioral, learning, or emotional difficulties.
- educational presentations on emotional and behavioral disorders of children and adolescents

What is the Philhaven Parent Advisory Council?

The Council is made up of parents whose children have been or are clients within the Philhaven continuum of child & adolescent services. The purpose of the council is to provide parent input into the quality and comprehensiveness of Philhaven's Child and Adolescent Services. Our goal is to establish a partnership that will sustain and support the families we serve in an ongoing way.

Date/Time:

Saturday, June 3, 1995
10:00 a.m. – 12:00 noon

Location:

Philhaven Chapel
283 South Butler Road
Mt. Gretna, PA
(see map)

Schedule:

10:00 – 11:00	Presentation with Questions and Answers
11:00 – 11:15	Break
11:15 – 12:00	Family discussion and support time

Presenter:

Vivian B. Narehood
Attorney

Parents of exceptional students need to become advocates for their children: knowing the full range of rights to which they are entitled is an imperative first step in effective advocacy. It is important to know not only what the law says but how the Courts interpret these laws. This program will focus on ways to assert your rights in a timely and effective manner.

Vivian Narehood is an attorney in Lancaster who works with exceptional students and their families to protect their rights in the school setting and elsewhere.

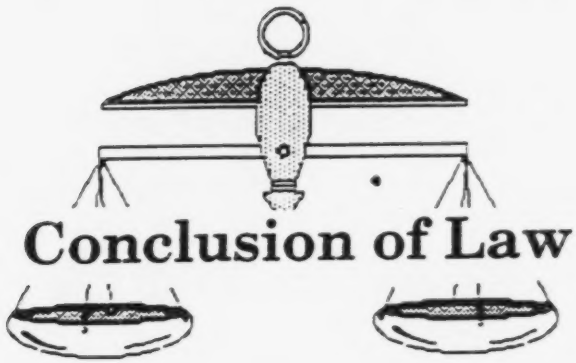
Ms. Narehood consults with the families, attends MDT and IEP meetings and, when necessary, takes cases to Due Process and through the appeals procedure into federal court. She has helped families in the full range of options from obtaining the appropriate services to make "inclusion" meaningful, to obtaining reimbursement where the family found it necessary to place a child in private school.

Registration:

To register, call Philhaven's Child and Adolescent Services at (717) 270-2473.

Babysitting is available. Please call to arrange.

37.



Conclusion of Law

Cordero v. Commonwealth

(U. S. District Court Middle District of Pennsylvania)
Guiding Principles in the Commonwealth Response

The remedial steps in this order, and defendants actions in pursuing those steps, are to be guided by and interpreted in the light of the following general principles:

- **Defendants must examine both what can be done to replicate successful program and placement options more widely and what can be done to create new and innovative options.**

- **The provision of assistance should have, as one of its goals, a greater capacity of school districts such that some children who would otherwise be referred for placement in restrictive and usually private facilities may be able to remain in public schools.**

- **Defendants must pursue an interagency approach to the remedy of this case.**

- **Options must be based on the community and family of the student so that, to the maximum extent possible, programs are designed to maintain and support students in their home community and family setting.**

The Commonwealth's Response to the court order known as Cordero v. Commonwealth

OPERATING SET OF ASSUMPTIONS

- **Pennsylvania has a growing number of success stories concerning inclusive practices.**
- **The need exists to examine current practices across the Commonwealth, and in turn design and implement a seamless system that is inclusive, easily accessible, and well integrated for all families.**
- **The human services field, inclusive of special education, continues to evolve concerning promising and best practices to support children with disabilities within their home school and community.**
- **Capacity of both state and local service providers in partnership with families, needs to facilitate a more equitable implementation of state of the art practices across the Commonwealth.**
- **Striking a healthy balance between natural support systems such as family members and friends and human service providing systems must be an integral part of the problem solving process for children considered as class members.**

Current and Future Class Members

(Cordero v. Commonwealth)

Each school district is to identify to PDE, no less frequently than weekly, all students who are members of the class and all students who are at substantial risk of becoming class members. This category of students includes, but is not limited to:

(a) all students for whom the district has not been able to implement the program and placement called for in the student's individualized education plan (IEP) within ten days after completing the IEP because of actual or anticipated problems in locating and securing an appropriate placement; and

(b) all students for whom the district has failed to convene and conclude an IEP meeting in a timely fashion because of actual or anticipated problems in locating and securing an appropriate placement.

Vision Statement of the Children's Cabinet

The Children's Cabinet of Pennsylvania has adopted the following broad statement of its vision:

Children will grow up healthy and safe and develop into competent citizens who contribute to the community.

In striving for this goal, the Commonwealth's health, education, social services, and economic programs must support families so they can provide the best possible homes for their children. Our programs must invest in primary prevention and early intervention; and they must be community driven, culturally relevant and comprehensive. **The ultimate system must be inclusive, easily accessible, and well integrated.**

Our vision is grounded in the following principles:

- **Parents know their children's needs best. We must become their partners in the design and implementation of services to children.** The family is the center of the child's life, and we must learn to work within it.

- **Families are unique and the support we provide must be flexible and based on choice.** We must respect each family's right to control its future according to its own culture, values, and priorities.

- **Services must be community based.** Pennsylvania is extremely diverse and methods to meet the needs of children and families must recognize and build on the strengths of local communities. There is no other way.

- **We must respond to the needs of children and families sooner rather than later.** The emphasis on treatment to individuals with specific problems must be balanced with increases in prevention, outreach, and service integration.

- **Priority must be given to groups disenfranchised by racism, geographic isolation, and economics.** The cycle of dependency must be broken and equal opportunities must be present for all children and families.

- **Comprehensive service systems should be simple to understand and easy to access.** We recognize that our categorical structure raises barriers in meeting their family needs. We must try new approaches through local pilots and demonstration projects.

(over)

The Children's Cabinet has adopted two goals. They are:

- Increase results in health, education, and social services for disenfranchised children and their families; and,
- Increase community based supports and services to families so that children may remain at home and in their own communities.

The objectives, tasks, and activities related to the goals are designed to achieve the following outcomes:

- Implement comprehensive outreach.
- Implement a child screen and follow-up process to ensure that health and developmental needs of children are identified and addressed.
- Identify key questions and outcome measures that will be used to guide the process of managing information within the three Departments.
- Pursue grant and foundation funds that support the Commonwealth's vision for children and families.
- Consistent approach to using Medicaid for children's services.
- Improve access to services through single point-of-contacts such as family centers and/or school based clinics.
- Pilot local projects that build on community strengths to address the vision and goals for children and families.
- Implement cross department coordinated training.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

MAR 10 1993

SUBJECT: Assuring Timely and Appropriate Services for All Students with Disabilities Under the Cordero Court Order

TO: County Human Service Directors
County MH/MR Administrators
County Children and Youth Administrators

FROM: Michael J. Breslin
Executive Deputy Secretary

Children and adolescents with mental health, mental retardation, or other disabilities do not always receive timely and appropriate education services because school districts do not know about, or have access to, a sufficiently complete array of service options. In litigation known as Cordero v Commonwealth, the Commonwealth was found liable and was ordered to design and assure a successful remedy.

Although the Department of Education was the primary defendant, the court order identifies the need for collaboration among education, mental health, mental retardation, children and youth, juvenile probation, drug and alcohol, and other child-serving systems. Since this collaborative approach is consistent with the Governor's agenda for children, the Children's Cabinet has directed that all relevant state agencies and program offices join with the Department of Education to create a "seamless" system for children and adolescents with special needs. Through the leadership of the Children's Cabinet, our local governments, and our collective will, we have an unprecedented opportunity to change the way we provide services and improve the outcomes for children and adolescents and their families.

To accomplish the task of creating a "seamless" approach for each child, the Children's Cabinet has convened a workgroup consisting of Commissioners and Deputy Secretaries from all the necessary State Agencies. This workgroup has jointly prepared a policy and information statement which is being sent as a Basic Education Circular (BEC) (attached) to all school districts and intermediate units, since Cordero requires that school districts undertake a number of new activities immediately. Simultaneously, under cover of this memo, a copy of the BEC is being sent to all county human service program directors. The purpose of the BEC is to give school districts and counties the same basic information and frame of reference about the Court Order and the requirements to remedy the findings.

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We have already begun working with the leadership of the County Commissioner's Association and its affiliates, so that counties can be fully involved as we move forward. This memo is also being distributed under separate cover to the Single County Authorities for Drug & Alcohol Programs and the Chief Juvenile Probation Officers to insure that they are part of the process. In the near future, you will be receiving more specific information about the Court Order and implementation. In addition, the recent expansion of Medical Assistance funded mental health services gives us new opportunities to work in partnership with the schools and to provide services based on the individual and unique needs of each eligible child.

As school districts and counties move towards implementing Cordero, the school districts will be the primary source for identifying Cordero class members. However, parents, guardians, advocates, private agencies, and public agencies may report to the State the names and other pertinent information concerning students who appear to be Cordero class members. Your agency and other interested agencies and individuals can do this by contacting the Bureau of Special Education of the Pennsylvania Department of Education (PDE). The address is 333 Market Street, Harrisburg, Pennsylvania 17126-0333, the telephone number is (717) 783-6913. Although we would hope that most problems would be explored at the local level, you should feel free to report potential Cordero class members to PDE and to let others know of the availability of this procedure.

Since our systems do not always use the same language or definitions, the BEC contains a footnote which explains the use of the term "placement". In the education system, placement is a neutral term which refers to any setting where a child is receiving his or her education, based on the child's Individual Education Plan (IEP).

Although the timelines of the Court Order will require us to move more quickly than we may like, we believe that the requirements of Cordero are completely consistent with the values, philosophy, and models for best-practices that each of our systems have as their goal. As such, these requirements are advanced and endorsed so that children receive the services they need to remain in their homes and community school regardless of whether they are or are not in a particular class of plaintiff. We are committed to working with counties, school districts, and to the other State Agencies to make this goal of a seamless system a reality.

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BECs Basic Education Circulars

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

BEC 10-93
Date Issued March 1993
Replaces NA

SUBJECT: Assuring Timely and Appropriate Services for All Students with Disabilities under the Cordaro Court Order

TO: Pennsylvania School Administrators

FROM: Joseph F. Bard
Commissioner for Elementary and Secondary Education

Students with disabilities do not always receive a timely and appropriate education placement because Pennsylvania educators do not always have ready access to a sufficiently complete array of placement options. While there are many facets to this problem, the central need is the creation and maintenance of alternative education placements so that each school district can place each of its students appropriately and without delay. In litigation known as Cordaro v. Commonwealth, shortcomings in this area were explored, the Commonwealth was found liable, and we were given the responsibility of designing and assuring the success of a remedy. The purpose of this Basic Education Circular (BEC) is to describe the court's remedial order, and to make you aware of the tasks that school districts and the state must now perform as a result of the court order.

This Basic Education Circular (BEC) has been developed by the Pennsylvania Department of Education (PDE) as a member of the Children's Cabinet and is being distributed also by the Department of Public Welfare (DPW) to Mental Health, Mental Retardation, Children and Youth, and other county human service programs. DPW will be sending a parallel policy bulletin with more information for county programs aimed at improving interagency services for children at the local level. A copy will be made available to each school district and intermediate unit.

*In this BEC, and in the court documents, the term "placement" is frequently used. In some disciplines, "placement" refers to placing a student outside of his or her natural environment. This is not the intended meaning here. Rather, educational "placement" is a natural term that refers to students living with their families and attending regular schools as well as to students placed elsewhere. Our goal is for as many "placements" to be in natural ordinary settings as possible.

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THE CORDERO CLASS

The Cordero litigation was a class action lawsuit. The class consists of:

> All Pennsylvania students with disabilities whose school districts have determined that they cannot currently be appropriately educated in a public educational setting and who waited or have been waiting for more than 30 days for the provision of an appropriate education placement.

Our focus under the litigation is therefore on students whose districts have concluded that the public education sector cannot meet the student's needs. This includes those who are at substantial risk of becoming members of the class as the "30-day clock" for finding an alternative placement runs out.

The way the class is defined gives local educators the crucial role in deciding which students are at the core of this effort. As we work toward assuring prompt placements for each class member, we will also work toward the long term goal of enhancing the capacity of school district programs, so that the needs of each student with a disability can be met in a public educational setting. Similarly, the task of finding prompt placements will be addressed in tandem with the requirement that each student be placed in the least restrictive, most integrated, setting in which the student's needs can be met.

The lawsuit has generated two principal court documents. The first is the court's decision of June 23, 1992. The second is a more detailed court order dated January 27, 1993, which contains the specifics of the remedial mandate. The full text of the detailed court order is available on the PENN*LINK Legal Updates and Special Education bulletin boards.

Particular topics covered in the January 27 court order will yield more specific information and instructions over time. What follows is an overview of the principal obligations and tasks that affect local and state educators and other officials.

THE CORDERO COURT ORDER

A. IDENTIFICATION OF CLASS MEMBERS

We are required to take affirmative steps to make sure we know of each student in the Cordero class, and then to assure that education placements are made. The Department is therefore initiating a more organized identification system, including the following:

1. Current and Future Class Members.

Each school district is to identify to PDE, no less frequently than weekly, all students who are members of the class and all students who are at substantial risk of becoming class members. This category of students includes, but is not limited to:

(a) all students for whom the district has not been able to implement the program and placement called for in the student's individualized education plan (IEP) within ten days after completing the IEP because of actual or anticipated problems in locating and securing an appropriate placement; and

(b) all students for whom the district has failed to convene and conclude an IEP meeting in a timely fashion because of actual or anticipated problems in locating and securing an appropriate placement.

PDE is developing a system, using PENN*LINK, that should make it relatively easy for districts to provide this information and update it weekly or continuously. We will keep you informed as that system is developed. Beginning immediately, each district should begin identifying all relevant students and reporting the information to PDE, and should assign a person to be responsible for weekly or continuous updates.

2. Students on Homebound Instruction.

Members of the class are sometimes placed on homebound instruction or instruction in the home while awaiting a placement. In addition, a homebound placement sometimes obscures the fact that a student is a member of the Cordero class. Thus, the placement of students at home will come under particular scrutiny.

Each school district is to identify to PDE, no less frequently than weekly, all students with disabilities assigned to instruction in the home or homebound instruction. For each student identified, the district will indicate whether it recognizes the student as a member of the Cordero class, and the nature of the reason for the assignment (e.g. physical illness or mobility or other problem that prohibits the student's departure from the home). Because of the misuse of homebound instruction, PDE will evaluate the reasons given for placing a student at home.

The PENN*LINK report will make it possible for a student to be shown as both "class member" and homebound student.

3. Past Members of Class

Each school district is to identify to PDE all students who are past members of the class, in that they met the class definition (above) at some point on or after March 14, 1991, but were subsequently provided with an appropriate program and placement. All districts with past members will then initiate multidisciplinary evaluation (MDE) and IEP proceedings to determine the appropriateness of compensatory education.

Each school district should provide its list of past members to PDE, or state there are no past class members. (Also, see section G, below, regarding compensatory education.)

4. Detailed Information

Once a school district identifies a student as described above, the school district must then report to PDE on the student in greater detail, including: information concerning the student and the type of program/placement that he or she requires; the length of time that has elapsed since that program/placement was determined to be needed; and a copy of the current IEP.

This more detailed information must be reported to PDE within five business days of the initial identification of the student to PDE. Various state agencies may need to assist in locating or developing an appropriate placement.

5. Monthly Tabulations

Each district must submit a monthly report which indicate the number of students identified during the month... PDE will attempt to create a system which minimizes any duplicative burden on districts.

6. Communications with Parents

When a district concludes that a student cannot be appropriately educated in a public setting, the district is to inform the parents of this conclusion, and the use of local and state level interagency teams, as described below.

In most cases, this will be part of the communication that customarily accompanies IEP and placement decision-making.

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7. Other PDE Activities

To make sure that no student is forgotten, other agencies and individuals may let PDE know of Cordero class members. If this happens, PDE will contact the district to ascertain whether the district agrees that a student is a member of the Cordero class.

Also, PDE's special education monitoring system will include elements to assure that the identification and reporting procedures are being followed at the local level.

B. LOCAL INTERAGENCY PLACEMENT ASSISTANCE TEAMS

One of the major themes of the litigation has been that educators do not have sufficient access to (or familiarity with) service and service sites traditionally associated with county human service programs. These other programs include county Mental Health and Mental Retardation, Children and Youth, Juvenile Probation, and Drug and Alcohol programs. One of the court responses to this is the requirement that local interagency teams be established throughout the Commonwealth "to assist in securing a placement for students whose needs appear to require an interagency response."

Although we expect the local interagency teams will become important in solving problems, it is important to note that these teams are supposed to assist - not replace - the local school district and the district's IEP team. Thus, the duties of the school district are not diminished by the development of the local interagency teams.

The local interagency teams will be formed by local educators joining the existing Child and Adolescent Service System Program ("CASSP") teams that are part of the county system. School districts can take cases to these local interagency teams for input and help. Parents and others may also bring a situation to the attention of the local interagency team, after they have discussed the situation with school district officials. When a "Cordero class" student's situation is brought to a local interagency team, the parents become part of the team as well, and a record of alternatives sought is to be kept. As suggested above, the interagency team is to explore alternatives and make recommendations, but does not replace the school district's decision-making rights and responsibilities under Chapters 14 and 342.

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C. STATE-LEVEL INTERAGENCY PLACEMENT ASSISTANCE TEAM

Because the court recognized that local teams might not be able to solve all problems, a state-level team has also been mandated. The overall purpose of this state-level interagency team is to assist school districts and to assist and coordinate the work of the local interagency teams. Under the auspices of the Children's Cabinet established by the Governor, the primary participants will be PDE and DPW, with the Department of Health and the Department of Labor and Industry available to assist in particular cases.

The state-level team will assist in specific cases when called upon to do so because of problems that local teams cannot solve. In addition, we see the state-level team as a place where systemic problems can be identified and resolved. Thus, we encourage school districts and others to actively analyze systemic problems and bring them to the state-level team's attention.

D. NEEDS ASSESSMENT AND SYSTEMS ANALYSIS

In addition to the continuing efforts of the state-level interagency team, we are now commencing a short-term period of more intense analysis of the barriers to the establishment of a complete continuum of placement options. This will occur under the auspices of the Children's Cabinet, with the help of an external consultant.

In the near future, all school districts will be surveyed, in order to get your assessment of gaps in the continuum and impediments to filling them. We anticipate that this will be an important part of creating long term solutions. This will provide school districts and others with an opportunity to translate both their experiences and their frustration into useful form, to enable us collectively to improve our ability to serve students.

The purposes of the assessment and analysis include:

(1) ascertaining whether there are geographic areas or disability categories that pose particular problems;

(2) identifying successful practices and the potential for replicating them; and

(3) reviewing all statutes, regulations, standards, policies, procedures, and practices to see whether they present impediments to prompt placements in the least restrictive environment.

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We view the task as looking for - and removing - impediments in the form of, for example, obstacles to the development of consortia, limitations based on tuition-related rules, underutilization of medical assistance and other programs outside of traditional education programs, custody rules that inhibit access to otherwise appropriate placements, and payment systems that act as a barrier to appropriate placements. This applies not solely to education rules, but also the rules of other agencies, and interagency problems.

Pursuant to court order, this analysis will include a review of Chapter 171 (relating to placements in approved private schools) and a review of Chapters 14 and 342 with regard to whether those regulations would currently support, or should be amended to require, a "continuum of education" portion of each school district's annual special education plan.

We encourage school districts and others to assist in this needs assessment by sharing with the Department any analyses of problems and suggestions for solutions. By the end of this academic year, the needs assessment is to yield a more detailed set of recommendations and action steps.

E. STATE SUPERVISION

The initial ruling in Cordero made clear that education placement problems are not just local responsibilities but also state responsibilities. The more detailed order of January 27, 1993 addressed this further by requiring that the state assure that it has sufficient capacity to effectuate and supervise the statewide system. The state is supposed to accomplish this by:

(1) assuring that there is a capacity and a procedure for withholding special education funds from any school district that fails to assure a prompt placement (with the state then using the funds to support a placement);

(2) assuring that the special education local planning process is sufficient to address any gaps in the continuum of placement options; and

(3) taking steps to assure that the geographic distribution of special education funds promotes the development of a full continuum of placements.

These "state supervision" requirements thus supplement the list of matters to be included in the analysis of the current system.

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F. TECHNICAL ASSISTANCE

The Cordero court order also requires a technical assistance effort aimed at assisting school districts through the provision of information and training. The first step in that effort is to inform school districts and others of the court order and the activities required by it. Thus, this memorandum is part of the technical assistance effort. School entities are encouraged to obtain the full text of the court order via PENN*LINK special education bulletin board. Readers who do not have access to PENN*LINK may obtain a copy of the court order by contacting the Division of Technical Assistance in the Department's Bureau of Special Education.

The technical assistance effort will also include consultation and training on promising practices, information on interagency resources, and information on the progress of our needs assessment and capacity-building efforts, as well as a directory for programs and services.

G. COMPENSATORY EDUCATION

Past and future members of the Cordero class are likely candidates for compensatory education. Responsibility for assessing the degree to which compensatory education is warranted lies initially with the school district, subject to due process proceedings. The Department will send all districts a follow-up memorandum concerning compensatory education in the near future. In advance of that memorandum, all districts should immediately begin identifying all past and present Cordero class members for the purpose of initiating discussion with parents regarding compensatory education.

H. REPORTING

The Commonwealth is responsible for reporting to the court (and the plaintiffs) on a monthly and quarterly basis. We will therefore be asking school districts and perhaps others for information regarding members of the Cordero class and the progress made toward implementing appropriate placements.

CONCLUSION

The recent court order in the Cordero case will require an unprecedented degree of cooperation and coordination across state agencies and between state and local governments. The mandate is to assure that no student with a disability is deprived of a prompt education placement in the least restrictive environment because of a gap in the continuum of alternative placements. The task is large, but it is both legally necessary and educationally correct.

The Department anticipates follow-up communications to school districts and others on virtually all of the subject areas summarized above. As we proceed, we expect that each school district and other relevant agencies will become familiar with the requirements of the court order. We look forward to each part of the field making a contribution to identifying and remedying any impediments. We are available to answer your questions.

References:

School Code:

Curriculum Regulations:

Pa. Code: 22 Pa. Code Chapters 14, 342, and 171

Purdon's:

Other: Cordero v. Pennsylvania Department of Education, 795 F. Supp. 1352, 18 IDELR 1099 (M.D. Pa. 1992)

Contact:

Pennsylvania Department of Education
Bureau of Special Education
Division of Technical Assistance
333 Market Street
Harrisburg, PA 17126-0333
Phone: (717) 783-6913

Attachments 0

BECs Basic Education Circulars
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

BEC 9-93
Date Issued March 1993
Replaces BEC NA

SUBJECT: Assignment of Special Education Students to Instruction in the Home

TO: Pennsylvania School Administrators

FROM: Joseph F. Bard
Commissioner for Elementary and Secondary Education

"Instruction in the Home" is recognized as a possible placement for special education students under the Department's standards at 22 Pa. Code §342.42(c)(3)(viii). However, such placements, often referred to as "homebound instruction," are sometimes made improperly when a school district is temporarily unable to provide the services it believes to be appropriate. It is improper to assign a student to instruction in the home in situations in which the school district is unable to implement the program or placement determined to be appropriate or necessary for the child. While the Department will not generally interfere with placements in which the district and the parents concur, the Department believes that forcing instruction in the home on unwilling families when this is not necessitated by severe health or mobility factors is inconsistent with the duties of school districts.

This understanding of legal requirements is not new. The 1990 ruling in Special Education Opinion #414 included the following:

> "We have not been asked to pass on the appropriateness of the homebound placement, which was agreed to at the time by both parties. We note, however, that homebound instruction is intended for students who must, for medical or other reasons, remain at home. In such cases, homebound instruction is not an educational placement decision, but merely an act of bringing education to the place where the child must, for other reasons, be. Homebound instruction is not intended as an education placement available when school officials do not know what else to do."

The temporary (but not necessarily brief) placement of special education students at home has also been criticized in Pennsylvania court cases, including the June 1992 decision in

Cordero v. Commonwealth. There, the court observed that "homebound instruction, which necessarily deprives children of contact with their peers, is intended for children whose medical or other condition makes it impossible to interact outside the home." The court was critical of the fact that homebound instruction was being used not because it was appropriate but because appropriate alternatives "either do not exist or are not available."

The Department intends to work productively with school districts who are struggling to find a way to implement a needed program that is temporarily unavailable. It remains important to note, however, that instruction in the home, when used only because an appropriate placement is difficult to arrange, has the approval of neither the courts nor the Department.

References:

School Code:

Curriculum Regulations:

Pa. Code: 22 Pa. Code Section 342.42(c)(3)(viii)

Purdon's:

Other: In Re: The Education Assignment of Chanse B., a student in the Central Dauphin School District, Special Education Opinion No. 414 (1990).

Cordero v. Pennsylvania Department of Education, 795 F. Supp. 1352, 18 IDELR 1099 (M.D. Pa 1992).

Contact:

Pennsylvania Department of Education
Bureau of Special Education
Division of Technical Assistance
333 Market Street
Harrisburg, PA 17126-0333
Phone: (717) 783-6913

Attachment Q

A-156

Instructional Support System
of Pennsylvania
Pennsylvania Department of Education

STATEWIDE SUPPORT INITIATIVE

P O Box 213
Lewisburg, PA 17837
(717) 523-1155, Ext. 213, or (717) 523-7344
FAX (717) 524-7104

August 25, 1994

SUBJECT: The Cordero Court Order

TO: Interested Parties

FROM: Tim Knoster, Director of the Statewide Support Initiative
of The Instructional Support System of Pennsylvania

Attached you will find a brief resource that highlights the most salient effective practices in meeting the needs of children identified as members of the Cordero class. Please be advised that this document is being provided as a resource as you may find it useful as a starting point in the planning and delivery of services to meet the needs of children covered under this court order.

In addition to the attached materials, the Commonwealth of Pennsylvania will be providing a number of training opportunities during 1994-95. Specifically, two teleconferences are planned for the early fall of 1994. Brochures are available for both of these events by calling the Distance Learning Center at 1-800-446-5607, ext. 210.

Cordero v. Commonwealth:

September 29, 1994 - "Serving the Needs of All Children Through Dedicated Efforts of School Districts, Agencies, and Families"

and

October 27, 1994 - "Best Practices in Meeting the Needs of Cordero Class Members"

In closing, it is hoped that you will find this material useful in your local endeavors. Please feel free to contact my office as you may need access to additional resources along these lines.

TK:ef

cc: Systems Change (Cordero) Work Group
SSI Directors
Rhonda Tyree

SNAPSHOT

Overview of Effective Practices Supporting Children Identified as Class Members under the Court Order *Cordero v. Commonwealth*

prepared by

Tim Knoster, Richard Barbour, Rick Boyle, Grace D'Alo, and Richard Hess

Implementation of promising and best practices in the special education field has been a perplexing problem since the inception of Public Law 94-142, and its latest incarnation, the Individuals with Disabilities Education Act. Expectations for local consumer access to integrated services have been raised in view of recent legal decisions supporting inclusive practices (i.e., *Oberti v. Board of Education of Borough of Clementon School District).* In light of this information and the continued evolution of service delivery for all children, it is necessary to specifically revisit the complex set of issues surrounding the implementation of state-of-the-art practices for children identified as class members under the court order known as *Cordero v. Commonwealth.*

It is impossible within the context of this brief document to fully describe all the promising and best practices required to meet the needs of all Cordero class members within the least restrictive environment. It is possible, however, to highlight the most salient approaches to delineate portable services on Individualized Education Plans (IEPs). This does not suggest that all Cordero class members should have the same IEP. Rather, it features practices local teams have found most effective when meeting the needs of a growing number of class members.

Implementation Of Best Practices

Although the individual needs of class members have been diverse based on life circumstances, a few basic tenets have been established to effectively solve service delivery issues. Therefore, the best practices outlined in this resource tend to be dynamic, process-

oriented approaches as opposed to linear, quick-fix strategies (i.e., positive approaches to supporting children who demonstrate challenging behaviors v. traditional stimulus response approaches to control and reduce problem behaviors).

Two primary themes describe sets of practices that, if used effectively, can afford children supportive interventions within local community settings. The processes of person and family centered planning, in tandem with collaborative problem-solving, serve as cornerstones for the Commonwealth's most successful outcomes to date.

Person and Family Centered Planning

Teams which invest their energies in person and family centered approaches tend to come away with less restrictive outcomes that more holistically address the children's and families' dreams than traditional categorical approaches. Person and family centered approaches can best ensure individualization of the service delivery plan. One of the greatest challenges when developing programs for children with multiple systems needs is maintaining the team's focus on the child, the family, and their community, rather than getting lost in the system's jungle of bureaucratic forms and procedures (i.e., IEPs, IHPs, etc.).

Person and family centered approaches move the paper process of documenting service delivery plans to a later stage in the teaming process. These approaches begin by identifying what the child's and family's strengths are, as well as their desires for outcomes. This stimulates the local team to identify natural supports and resources within the community to bring into partnership with an array of more formal human services. In fact, often-times the best support systems for a given child and the family reside within naturally occurring opportunities within the given community (church, YMCA, etc.).

A number of specific person and family centered processes exist and have been validated through implementation in applied settings (McGill Action Planning System [MAPS], Planning Alternative Tomorrow's with Hope [PATHS], Personal Futures Planning, Circle of Friends, etc.). Teams using these approaches (or other compatible

processes) find them helpful when designing portable services to support children within less restrictive settings. In essence, they forge community-building strategies; where their counterparts tend to more readily get lost in the paper jungle.

Collaborative Problem-Solving

Service delivery needs of children identified under the Cordero court order arguably present puzzling issues to human service providers across the Commonwealth. In essence, the complexity of cases so far reinforces the need for a paradigm shift in how the professional community and ultimately the community at large, view the needs of children who are at risk or in crisis.

Having noted this, there appear three primary themes across specific class members' cases where successful outcomes have been achieved. First, the local team clearly focused its energies on changing the system to accommodate child and family needs (i.e., as indicated through person and family centered approaches). Second, the team attended to service delivery gaps rather than affixing blame to the child, family, or any one provider. Lastly, the team clearly acknowledged that no one person within any given system, nor one system in isolation, holds the power or collective insight to unilaterally solve all service delivery issues for the particular class members.

Simply recognizing the need for collaborative teams is insufficient to help others to fully understand what is required for teams to be able to work together in an effective manner. It is essential that members of the interagency team have a basic understanding of how the other child serving systems participating on the team function. This degree of basic awareness most times serves as a prerequisite to developing a functional degree of trust that can enable the team to focus on the child and family's needs.

Further complicating the collaborative process is the crisis nature that many of the class members' cases reflect. Often the immediate needs of class members result in the use of a triage mode of teaming that may result in meeting short term needs while having a damaging effect on the collaborative process over the long run.

Despite this reality, interagency teams are encouraged to problem solve difficult service delivery issues in a timely manner while being conscious of their need to maintain relationships between all team members in order to facilitate collaboration in the future. Teams that specifically attend to these three outlined themes position themselves to be successful and to best meet the needs of everyone involved in the process.

While applying person and family centered approach through a collaborative problem solving process can result in a myriad of recommended interventions, a significant number of Cordero class members' teams have used the following best practices as an integral part of their service delivery plan. These include the following highlighted practices.

- ***Community-based instruction***

It has been documented through team meetings that most Cordero class members need to learn and practice newly acquired skills within real life settings. This finding is consistent with the educational literature at large, and most specifically the field of special education related to effective instructional practices.

As a result, increasing numbers of teams acknowledge that planning for the next least restrictive environment must take center stage. Specifically, a growing number of IEPs for children identified as class members reflect increasing amounts of time in community-based settings. This is particularly the case for adolescents ages 14 and older, when teams begin to formally document transition-related issues.

Additionally, use of community-based instruction is evolving in an encouraging direction. More children are gaining better access to instruction in functional life skills that cut across a variety of settings, such as shopping in the home community grocery store or riding public transportation to access the local YMCA.

Similarly encouraging is the growing number of educators who acknowledge the need for these experiences to happen in a manner that reflects natural proportions of people with disabilities within given community settings. Today a growing number of teachers are

instructing more children with disabilities (inclusive of members of the Cordero class) in their local community alongside their typical peers, rather than working with an entire group of children with disabilities from the same special education class in the same community setting at the same time.

Specifically, the Commonwealth cites examples of IEPs for class members that increase the degree of community-based instruction as class members' ages increase. For example, adolescents at age 16 generally demonstrate a greater need, and their subsequent program should reflect greater amounts of time in community-based instruction, than their 10-year-old counterparts. In one particular young man's case, the primary recommended setting (most of his typical day as indicated on the IEP) was within community-based activities. Here is a thumbnail sketch of his daily routine.

TYPICAL SCHOOL DAY

7:45 - 8:30 a.m.	homeroom and activity period
8:30 -11:30 a.m.	job training with a job coach
11:30 a.m. - 12:15 p.m.	lunch within the community
12:15 - 2 p.m.	other forms of community-based experiences (grocery shopping at local stores, recreation at local YMCA, etc.)
2 - 2:30 p.m.	travel back to local school for events
2:30 - 3:15 p.m.	classroom-based activities
3:15 p.m.	dismissal

- ***Positive approaches to challenging behaviors***

Another similar characteristic found across many Cordero class members' cases is extensive documentation of challenging behaviors. Concomitantly, it is not unusual to find documented the local team's frustration and exhaustion of traditional approaches to control these problem behaviors.

Today, a different model of viewing behavior and designing interventions is emerging. Specifically, the use of "positive approaches" is becoming more prevalent and has been used to facilitate integrated placements for a growing number of class members.

Positive approaches are compatible with person and family centered approaches. Positive approaches view challenging behavior as communicative of unmet needs and look to understand the child's life circumstances when designing interventions.

In example, educators and other human service providers when faced with a child who demonstrates challenging behavior traditionally ask such questions as, "How can I control this behavior?" Frequently, this approach does not uncover habilitative strategies that can lead to greater improvements in the child's life circumstances. Proponents of positive approaches advocate the use of different questions that have a more direct relationship to the individual child's quality of life. Some examples include:

- How can we help the child achieve wellness?;
- How can we help the child expand and deepen his or her friendships?;
- How can we increase the child's presence in the local community?;
- How can we enhance the child's reputation and increase the number of ways he or she can contribute at school and in the local community?;
- How can we help the child be successful?; and
- How can we support members of the child's support system (family, friends and service providers)?

Teams which shift their site along these lines appear better equipped to develop and implement portable services to Cordero class members. The key appears to be in asking the right questions.

- ***Adaptive approaches to traditional classroom settings***

While an increasing number of planning meetings for children identified as class members acknowledge the next least restrictive environment as "to live, work and play" within the local community, there are class members whose needs also require adaptations

to typical classroom settings within their local schools. These types of adaptations range from simple modifications to instructional practices (requiring fewer tasks within a given time frame, use of taped texts, etc.) to more dramatic departures from traditional instruction (use of cooperative learning structures, independent projects within the regular classroom, etc.).

Regardless of the degree of community-based instruction a given child requires, there appears to be a correlation between effective integration and flexible approaches to instruction. The responsibility for making such adaptations for any child, and most specifically a member of the Cordero class cannot fall upon the shoulders of one teacher (or any other person) in isolation. Staff need support (i.e., time to collaboratively design adaptations) and encouragement (i.e., guided practice resulting in positive outcomes) to adequately address the need for integrated supportive services within the context of typical classroom settings.

The Commonwealth has documented examples of cases under the court order where the local team's recommendation for service delivery has been within the context of regular education with adaptations and modifications for varying amounts of time (partial integration through full time integration). While a number of class members in these examples are under age 14, there have been examples with class members who are older. In these cases, the local team has projected the next least restrictive environment as further formal education, such as college or trade school. In either instance, adaptations are necessary for all to experience success through inclusion within the local school.

Flexibility is the Key

While the list of best practices required for any particular child to benefit from integrated placements is unique to the child and setting, the previously noted approaches have been valuable in resolving a number of Cordero class members' service delivery issues. This has specifically been the case for an increasing number of children where resultant team placements have been within integrated settings across the Commonwealth.

Though it may appear overly simplistic on the surface, the phrase 'whatever it takes' nicely sums up the flexible, collaborative approach necessary for designing and providing services to children identified as members of the Cordero class. As local teams across the Commonwealth build upon their successful experiences, an increasing number of children and their families gain expanded access to less restrictive placements. In essence, every time another child with a disability (inclusive of Cordero class members) accesses services in a portable manner the expectations bar for all systems across Pennsylvania is adjusted upward. This is the original intent behind the Individuals with Disabilities Education Act (IDEA) and, most specifically, the Cordero court order; but more importantly it must be our collective goal as human service providers. Use of these highlighted approaches to service delivery can greatly enhance our collective ability to bring more readily accessible, inclusive and well-integrated services to children and their families. Our shared challenge is to ensure that use of these highlighted practices moves from the exception to the rule to becoming the standard.

Special note: The following resources are suggested for anyone interested in reviewing additional materials concerning the implementation of these, and other, best practices. These resources are particularly recommended for people interested in operational details on how to implement meaningful services. Additional information can be obtained by contacting Dr. Tim Knoster at 717-523-1155, ext. 213.

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Informational Handout

Conflict Resolution

Complaints - Mediation - Due Process

55.

Informational Handout

Conflict Resolution of Parents of Special Education Students:

Complaints - Mediation - Due Process

If you have any questions or concerns about your child's educational program, we believe it is best to talk with school district staff first. If informal talks with the school district do not resolve the problem and you are convinced that some type of formal action or procedure is necessary, the following options are available.

1. You may file a complaint with the Pennsylvania Department of Education, Bureau of Special Education. This option is used when parents or others contend that a school district, intermediate unit or approved private school is actually out of compliance with the law.

2. You and the school district may request mediation. The Pennsylvania Department of Education Mediation Service is a means of resolving disputes regarding the appropriateness of special education and related services. This service is administered and supervised by the Special Education Mediation Services Project and is provided upon request at no cost to either party.

3. If you disagree with the district's proposal to initiate or change the identification, evaluation, or educational placement of your child or the provision of a free, appropriate, public education or you disagree with the district's refusal to initiate or change the identification, evaluation, or educational placement of your child, you may request an impartial due process hearing.

Should you choose to exercise your right to lodge a complaint or to request mediation or a due process hearing, there will be no reprisals against you.

The Handicapped Protection Act of 1986, P.L. 99-372, has a provision protecting persons who may initiate a complaint or due process hearing or provide information or testimony at such hearings. The following quote is from this Act:

"No person may discharge, intimidate, retaliate, threaten, coerce, or otherwise take an adverse action against any person because such person has filed a complaint, testified, furnished information, assisted or participated in any manner in a meeting, hearing, review, investigation, or other activity related to the administration of exercise of authority under, or right secured by Part B of EHA..."

Complaints

If you believe that the educational rights of you or your child are being violated, you may file a complaint with the Bureau of Special Education requesting that they investigate the alleged violation. You may submit your request for a complaint investigation in writing to:

Chief, Division of Compliance
Bureau of Special Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

You may use the enclosed **Consumer Complaint Form** or any other format you choose. The Division will be assisted if you provide, at a minimum:

1. child's name.
2. parent/guardian name.
3. mailing address.
4. daytime phone number.
5. name and address of child's resident school district.
6. the signature of the complainant.
7. a statement which describes the allegation of the violation, and
8. a description of the facts upon which the allegation is based.

57.

The Bureau of Special Education will investigate the complaint in a timely manner to determine whether there has been a failure to comply with state and/or federal laws and regulations. This investigation may include obtaining additional written or oral information and an on-site visit. Except in extenuating circumstances, the Bureau of Special Education will complete the complaint within sixty (60) calendar days.

Following this investigation, the Bureau of Special Education will provide written notification to all parties regarding - the findings, the specific action to be taken to reach compliance (if necessary), and the time by which the action must be taken (if necessary).

Should you disagree with the conclusion, you may request that the final decision of the State be reviewed by the U.S. Department of Education, Washington, D.C.

Mediation

Mediation is designed as a voluntary alternative to the due process hearing, and is a means of resolving disagreements regarding the appropriateness of special education and related services. This service is administered and supervised by the Pennsylvania Special Education Mediation Services (Pa SEMS), and is provided upon request and agreement of both parties. Mediation cannot be used to delay a hearing process. You may request mediation by calling 800-992-4334 or 717-544-2657.

In mediation, neither party is asked to abandon basic beliefs about the student's ability. The parties are asked to consider alternatives which could be incorporated into the student's program, to be aware of the concerns and problems expressed by the other party, and to be realistic about the student's capabilities and the local district's obligation and resources.

Impartial Due Process Hearings

If you disagree with the district's proposal to initiate or change the identification, evaluation, or educational placement of your child or the provision of a free, appropriate public education, or you disagree with the district's refusal to initiate or change the identification, evaluation, or educational placement of your child, you may request an impartial due process hearing. If you disagree with the hearing decision, you may request a review.

An Impartial Due Process Hearing is a special hearing convened at the request of parents or the local school district. An impartial hearing officer hears both sides and renders a decision binding on the Local Education Agency (LEA) and the parent. For more information about the due process hearings, refer to the enclosed Pennsylvania Special Education Regulations (Chapter 14) and Pennsylvania Special Education Standards (Chapter 342).

Commonwealth of Pennsylvania
STATE BOARD OF EDUCATION

REGULATIONS
OF THE
STATE BOARD OF EDUCATION OF PENNSYLVANIA

CHAPTER 15
Protected Handicapped Students
(Chapter effective February 23, 1991)

Sec.

15.1. Purpose.
15.2. Definitions.
15.3. General.
15.4. Annual notice.
15.5. School district initiated evaluation and provision of services.
15.6. Parent initiated evaluation and provision of services.
15.7. Service agreement.
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15.10. Discrimination claims.
15.11. Rules of construction.

§ 15.1. Purpose.

(a) This chapter addresses a school district's responsibility to comply with the requirements of Section 504 and its implementing regulations at 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from federal financial assistance) and implements the statutory and regulatory requirements of Section 504.

(b) Section 504 and its accompanying regulations protect otherwise qualified handicapped students who have physical, mental or health impairments from discrimination because of those impairments. The law and its regulations require public educational agencies to ensure that these students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate to the ability of the

protected handicapped student in question. School districts are required to provide these students with the aids, services and accommodations that are designed to meet the educational needs of protected handicapped students as adequately as the needs of nonhandicapped students are met. These aids, services and accommodations may include, but are not limited to, special transportation, modified equipment, adjustments in the student's roster or the administration of needed medication. For purposes of the chapter, students protected by Section 504 are defined and identified as protected handicapped students.

§ 15.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Parents - A birth or adoptive parent or parents, a guardian or guardians or a person acting as a parent of the student.

Protected handicapped student - A student who meets the following conditions:

(i) Is of an age at which public education is offered in that school district.

(ii) Has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the student's school program.

(iii) Is not eligible as defined by Chapter 14 (relating to special education services and programs) or who is eligible but is raising a claim of discrimination under § 15.10 (relating to discrimination claims).

School days - The days of the school district's academic year plus the 14 calendar days before the beginning of the academic year and the 14 calendar days following the completion of the academic year.

Section 504 - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794).

Service agreement - A written agreement executed by a student's parents and a school official setting forth the specific related aids, services or accommodations to be provided to a protected handicapped student.

§ 15.3. General.

A school district shall provide each protected handicapped student enrolled in the district, without cost to the student or family, those related aids, services or accommodations which are needed to afford the student equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities without discrimination and to the maximum extent appropriate to the student's abilities.

§ 15.4. Annual notice.

On or before the first day of a school year, a school district shall inform parents of enrolled students that the district does not discriminate against protected handicapped students and the district's responsibilities under this chapter. The notice may be included in a document reasonably expected to reach the parents of students enrolled in the school district, such as school calendars or brochures.

§ 15.5. School district initiated evaluation and provision of services.

(a) A school district shall send a written notice to the student's parents if a school district believes that a student meets one or more of the following conditions:

(1) Should be identified as a protected handicapped student.

(2) Should no longer be identified as a protected handicapped student.

(3) Requires a change in or modification of the student's current service agreement.

(b) The school district's notice to the parents shall be in the parents' native language or mode of communication and shall state the following:

(1) The school district believes the student is a protected handicapped student or is no longer a protected handicapped student.

(2) The basis for the school district's belief.

(3) The proposed change or modification in the service agreement.

(4) The parents' right to inspect and review all relevant school records.

(5) The parents' right to meet with appropriate school officials to discuss the issues associated with evaluating or accommodating the student.

(6) The specific related aids, services or accommodations the school district is proposing.

(7) The requirement that the parents agree to the student's identification as a protected handicapped student and execute a service agreement before the school district will provide the proposed related aids, services or accommodations.

(8) The school district will not modify or terminate the student's current service agreement without the parents' written consent, pending completion of the procedures in § 15.8 (relating to procedural safeguards).

(9) The procedural safeguards available to students and their parents.

(c) If the school district needs additional information before it can make a specific recommendation concerning the related aids, services or accommodations needed by the student, the district may ask the parents to provide additional medical records which the parents may have and to grant the district permission to evaluate the student.

(d) The school district initiated request to evaluate a student shall specifically identify the procedures and types of tests which it proposes to use to evaluate the student and inform the parents that they have the right to give or withhold their written consent to these evaluations.

§ 15.6. Parent initiated evaluation and provision of services.

(a) Parents shall request in writing that their child be evaluated and provided services if they believe their child meets one or more of the following conditions:

(1) Should be identified as a protected handicapped student.

(2) Should no longer be identified as a protected handicapped student.

(3) Requires a change in or modification of the child's current service agreement.

(b) The parents should include available relevant medical records along with their written request for the provision of services.

(c) Whenever possible the parents' request for the provision of services shall state the following:

(1) The specific reasons the parents believe the student is or is no longer a protected handicapped student.

(2) The specific related aids, services or accommodations the parents believe the student needs.

(3) The specific modifications the parents would like the school district to make in the student's current service agreement, if the parents are requesting modification of the student's current service agreement.

(d) Within 25 school days of receipt of the parents' written request for the provision of services the school district shall evaluate the information submitted by the parents and send a written response to the parents' request.

(e) The school district's response to the parents shall be in the parents' native language or mode of communication and shall state the following:

(1) Whether the parents' request or a portion of the parents' request is being granted or denied.

(2) The parents' right to meet with the appropriate school officials to discuss the issues associated with accommodating the student.

(3) The procedural safeguards available to students and their parents under § 15.8 (relating to procedural safeguards).

(4) Parents using the procedural safeguards in this chapter may also file suit in Federal court under Section 504.

(f) If upon evaluation of the information submitted by the parents, the school district determines that it needs additional information before it can make a specific recommendation concerning the parents' request, the district shall ask

the parents to provide additional medical records and grant the district permission to evaluate the student.

(g) The school district initiated request to evaluate a student under subsection (f) shall be in writing and specifically identify the procedures and types of tests which it proposes to use to evaluate the student and inform the parents that they have the right to give or withhold their written consent to these evaluations.

§ 15.7. Service agreement.

(a) If the parents and the school district agree as to what related aids, services or accommodations should or should no longer be provided to the protected handicapped student, the district and parents shall enter into or modify a service agreement. The service agreement shall be written and executed by a representative of the school district and one or both parents. Oral agreements may not be relied upon. The agreement shall set forth the specific related aids, services or accommodations the student shall receive, or if an agreement is being modified, the modified services the student shall receive. The agreement shall also specify the date the services shall begin, the date the services shall be discontinued, and, when appropriate, the procedures to be followed in the event of a medical emergency.

(b) If the parents and the school district cannot agree as to the related aids, services and accommodations that should or should no longer be provided to the protected handicapped student, either party may use the procedural safeguard system under § 15.8 (relating to procedural safeguards) to resolve the dispute, and the school district shall notify parents in writing of their rights in this regard.

(c) In implementing the service agreement, school entities shall address relevant factors, such as educational resources, physical plant and personnel capabilities.

§ 15.8. Procedural safeguards.

(a) Parental request for assistance. Parents may file a written request for assistance with the Department if one or both of the following apply:

(1) The school district is not providing the related aids, services and accommodations specified in the student's service agreement.

(2) The school district has failed to comply with the procedures in this chapter.

(b) Request resolution. The Department will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within 60 calendar days of receipt of the request, send to the parents and school district a written response to the request. The response to the parents' request shall be in the parents' native language or mode of communication.

(c) Informal conference. At any time parents may file a written request with the school district for an informal conference with respect to the identification or evaluation of a student, or the student's need for a related aid, service or accommodation. Within 10 school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

(d) Formal due process hearing. If the matters raised by the school district or parents are not resolved at the informal conference, the district or parents may submit a request for a hearing. The hearing shall be held before an impartial hearing officer and shall be governed by § 14.64(a)-(l), (n) and (o) (relating to impartial due process hearings) if no issues under Chapter 14 (relating to special education services and programs) are raised for decision in the hearing by the parents, school district or hearing officer. If issues under Chapter 14 are raised for decision in the hearing by the parents, school district or hearing officer, an appeal from the hearing officer's decision shall be governed also by § 14.64(m).

(e) Stay pending judicial appeals. If, within 60 calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial

proceedings, unless the parents and school district agree otherwise.

§ 15.9. Confidentiality.

A school district shall do all of the following:

(1) Protect the confidentiality of personally identifiable information regarding a protected handicapped student.

(2) Require parental consent before releasing personally identifiable information to unauthorized persons.

(3) Provide access to educational records of the student to the parents or a representative of the parents.

(4) Comply with section 513(a) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. § 1232g) and 34 CFR Part 99 (relating to family education rights and privacy).

§ 15.10. Discrimination claims.

Notwithstanding other provisions of this chapter, an eligible or noneligible student under Chapter 14 (relating to special education services and programs) may use the procedures for requesting assistance under §15.8(a) (relating to procedural safeguards) to raise claims regarding denial of access, equal treatment or discrimination based on handicap. A student filing a claim of discrimination need not exhaust the procedures in this chapter prior to initiating a court action under Section 504.

§ 15.11. Rules of construction.

(a) The full description of substantive responsibilities of school entities is set forth in Section 504 and the Section 504 regulations at 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from federal financial assistance) and not in this chapter.

(b) Eligible and thought to be eligible students continue to be governed by Chapter 14 (relating to special education services and programs), except for the provisions of § 15.10 (relating to discrimination claims).

(c) It is not the purpose of this chapter to preempt, create, supplant, expand or restrict the rights or liabilities of protected handicapped students or school entities beyond what is contemplated by Section 504, the Section 504 regulations at 34 CFR Part 104 or another law. This chapter does not restrict or limit a parent, protected handicapped student, school entity or the Commonwealth from pursuing claims or defenses available, whether constitutional, statutory, regulatory or common law. This chapter does not restrict or limit a protected handicapped student or school entity from filing a cognizable action, appellate or original in nature, to resolve a dispute under Section 504 or the Federal Section 504 regulations. This chapter does not increase or diminish the jurisdiction of any court.

(d) It is not the intent of the Board that this chapter be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of a particular civil action. However, this chapter is intended to have the force of law and to be so interpreted by the courts.

PERMISSIBLE CLASS SIZES

The following chart is from the state special education standards at 22 PA Code Section 342.42(j).

Caseload and Class Size for Special Education

This chart presents the caseload allowed on a single teacher's rolls; the number in parenthesis is the maximum number of exceptional students in the room with the teacher at any one time.

Type of Service	Itinerant	Resource	Part-time	Full-time
Academic Support Class				
Gifted Support	15-75(15)	12-50(15)	10-30(15)	10-15(15)
Learning Support	15-50(6)	15-20(8)*	10-15(8)*E 15-18(9)*S	6-12(12)* 8-15(15)*S
Life Skills Support	10-20(4)*	10-20(6)*	10-15(8)*E 15-18(9)*S	8-12(12)*E 8-15(15)*S
Emotional Support	15-50(4)	15-20(6)*	10-15(10)*	6-12(12)*
Sensory and Communication Support				
Deaf or Hearing Impaired Support	15-50(4)	6-15(6)*	6-10(6)*	5-8(8)*
Blind or Visually Impaired Support	15-50(4)	6-15(6)*	8-15(8)*	5-12(12)*
Speech and Language Support	20-90(4)**			5-8(8)*
Physical Support	15-50(4)*	6-15(6)*	6-12(6)*	6-12(12)*
Autistic Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*
Multihandicapped Support	8-12(4)*	6-8(6)*	4-8(6)*	4-8(8)*

*Paraprofessional assistance available.

**With no more than 90 sessions per week

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Parent Referral List/Support Organizations

Connect Information Service
150 South Progress Avenue
Harrisburg, PA 17109
(800) 692-7288 or (717) 657-5840

Due Process Hearing Hotline
150 South Progress Avenue
Harrisburg, PA 17109
(800) 222-3353 or (717) 657-5840

Parent Education Network
333 East 7th Avenue
York, PA 17404
(800) 522-5827 or (717) 845-9722

Education Law Center, Inc.
Suite 610
801 Arch Street
Philadelphia, PA 19107
(215) 238-6970

Department of Education
Bureau of Special Education
Division of Compliance
333 Market Street
Harrisburg, PA 17126-0333
(717) 783-6913

Pennsylvania Protection and Advocacy, Inc.
116 Pine Street
Harrisburg, PA 17101
(800) 692-7443 or (717) 236-8110

Learning Disabilities Assn. of PA
Suite Three, Toomey Building
P. O. Box 208
Uwchland, PA 19480
(215) 458-8193

Council of the Blind
Adelpia House, #5 Mezzanine
1229 Chestnut Street
Philadelphia, PA 19107
(215) 238-1410

Epilepsy Foundation of Philadelphia
3200 Henry Avenue
Philadelphia, PA 19129
(215) 879-3120

The PA Bar Assn. Special Committee
The Legal Rights of Exceptional Children
PBA Headquarters
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375 or (800) 932-0311

Muscular Dystrophy Assn.
3650 Borton Way, Second Floor
Harrisburg, PA 17110
(717) 540-4316

PA Assn. for Gifted Education
P. O. Box 890
Mc Murray, PA 15317
(412) 941-6945

Pennsylvania Society for Autistic Children
One Monroeville Center, Suite 475
Monroeville, PA 15146
(412) 856-7223

Pennsylvania Society for the Advancement of the Deaf
616 Chestnut Ridge Drive
Pittsburgh, PA 15210
(412) 787-7771

Easter Seal Society of Pennsylvania
1500 Fulling Mill Road
P. O. Box 497
Middletown, PA 17057
(717) 939-7801

Mental Health Assn. in Pennsylvania
900 Market Street
Harrisburg, PA 17101
(717) 236-8363

Parent Involved Network
Mental Health Assn.
311 South Juniper Street
Suite 902
Philadelphia, PA 19107
(215) 735-2465

United Cerebral Palsy of Pennsylvania
925 Linda Lane
Camp Hill, PA 17011
(717) 761-5656

Assn. for Retarded Citizens of PA
123 Forster Street
Harrisburg, PA 17102
(800) 692-7258 or (717) 234-2621

Regional Civil Rights Director
Office for Civil Rights, Region III
U. S. Department of Education
Gateway Building
3535 Market Street
P.O. Box 13716
Philadelphia, PA 19104
(215) 596-6772 or (215) 596-6794

TIMELINES UNDER THE 1990
STATE SPECIAL EDUCATION REGULATIONS
(22 PA CODE CHAPTER 14)

INSTRUCTIONAL SUPPORT TEAM (IST) [14.24(g)]

10 SCHOOL DAYS TO REVIEW YOUNGSTER FROM REFERRAL

10 SCHOOL DAYS TO IMPLEMENT CHANGE IN PROGRAM

30 SCHOOL DAYS TO MONITOR 1ST PROGRAM CHANGE

NO MORE THAN 60 SCHOOL DAYS TO TRY 2 OR MORE CHANGES

MULTI-DISCIPLINARY TEAM (MDT) [14.25(m)]

45 SCHOOL DAYS TO COMPLETE INITIAL EVAL FROM PARENTAL PERMISSION TO EVALUATE / 45 SCHOOL DAYS TO COMPLETE AFTER NOTICE TO PARENT THAT RE-EVALUATION WILL BE DONE

10 SCHOOL DAYS TO COMPLETE REPORT

5 SCHOOL DAYS TO DELIVER REPORT TO PARENT

INDIVIDUALIZED EDUCATION PROGRAM (IEP) [14.32(l)]

30 CALENDAR DAYS TO DEVELOP AFTER ISSUANCE OF MDT REPORT*

10 SCHOOL DAYS THEREAFTER TO IMPLEMENT IEP

PROCEDURAL SAFEGUARDS

10 DAYS TO COMPLY WITH PRE-HEARING CONFERENCE REQUEST [14.63(c)]

30 CALENDAR DAYS TO HOLD SPECIAL EDUCATION HEARING AFTER REQUEST FOR HEARING RECEIVED [14.64(c)]

45 CALENDAR DAYS FOR HEARING OFFICER TO ISSUE DECISION AFTER REQUEST FOR HEARING MADE [14.64(c)]

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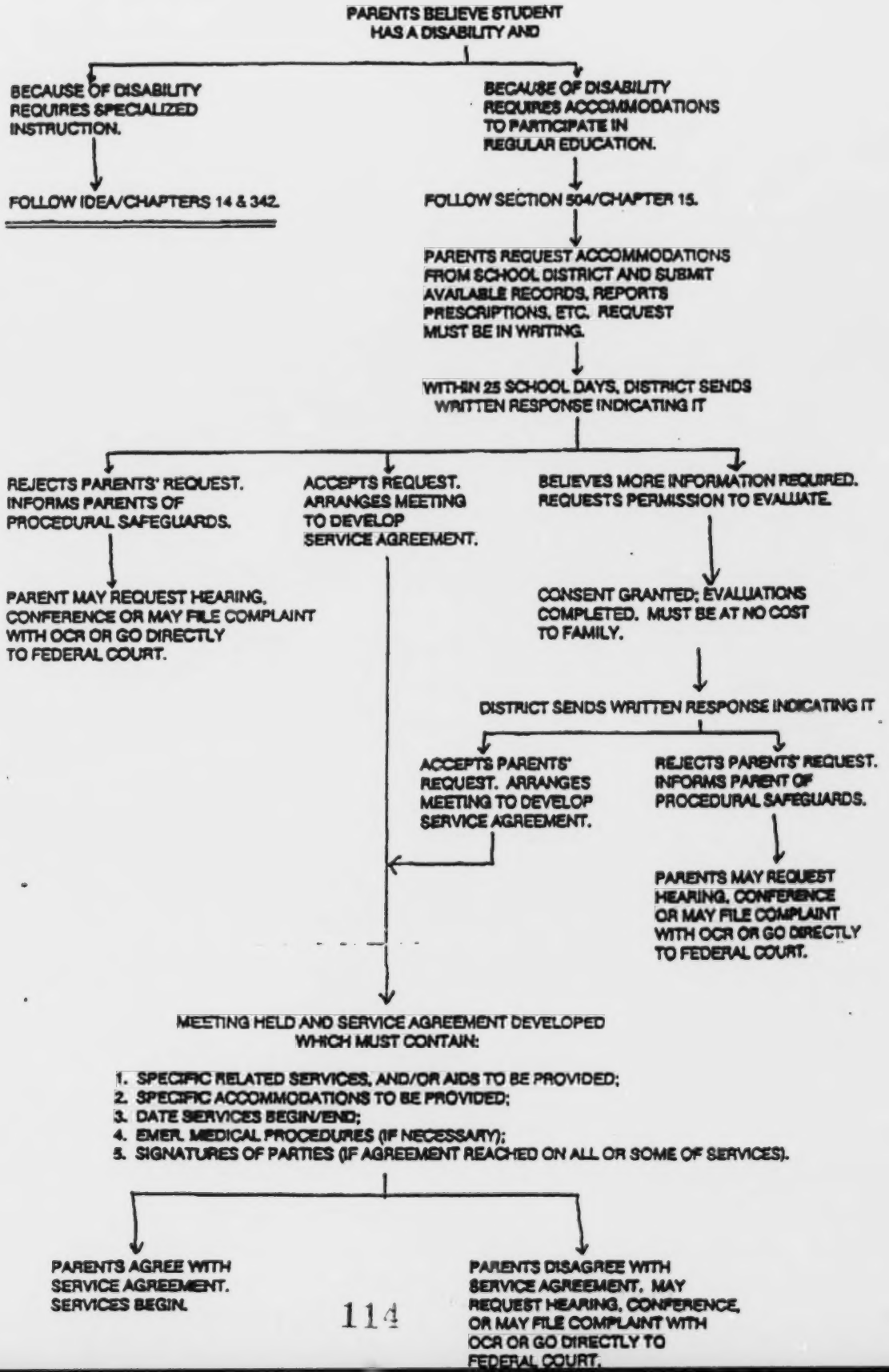
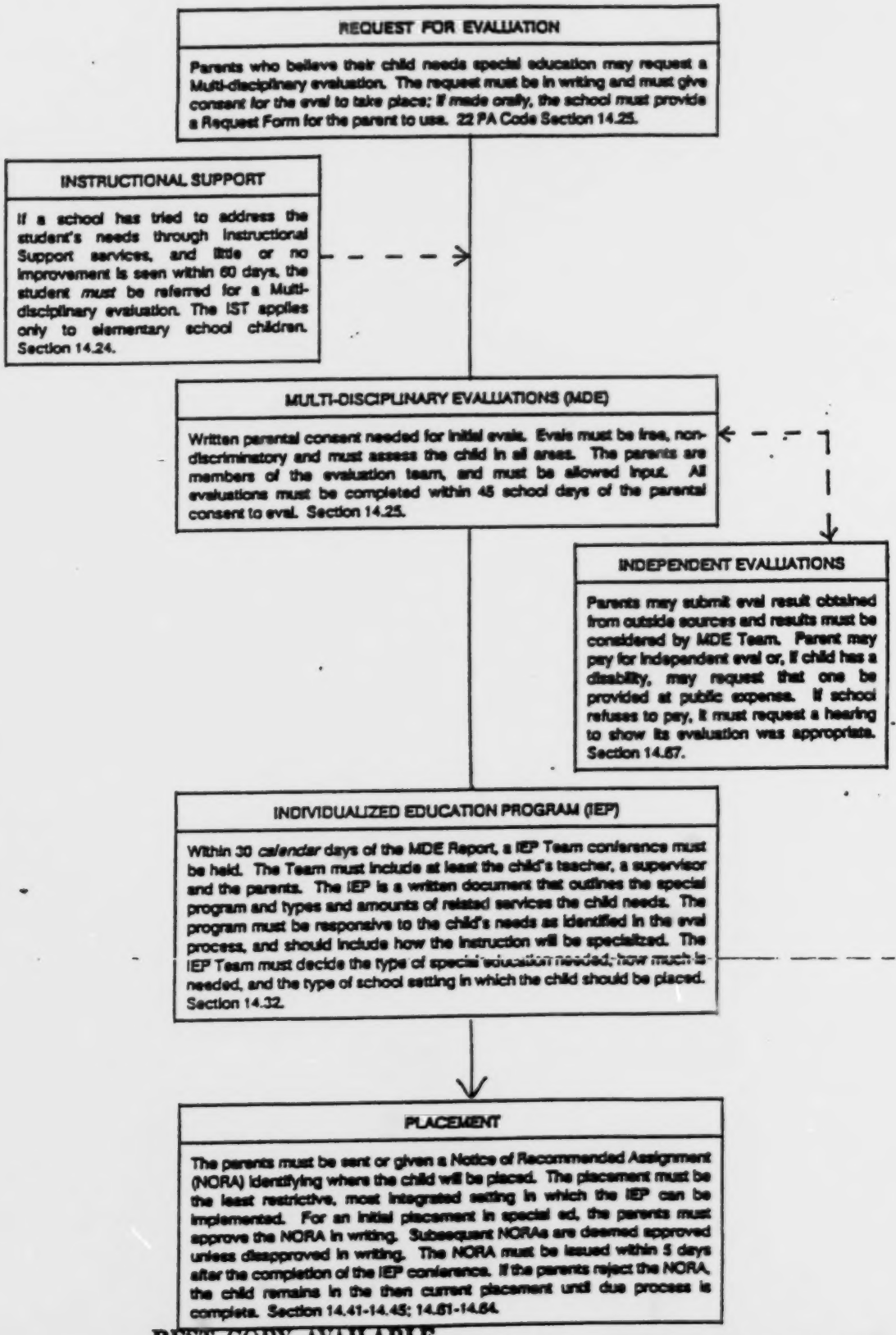
*The Federal Department of Education has required Pennsylvania to change the IEP development timeline from 20 school days to 30 calendar days, effective immediately. Regulation will be changed formally by Board of Education.

SECTION 504 / CHAPTER 15
FLOW CHART


PARENTS BELIEVE STUDENT HAS A DISABILITY AND
BECAUSE OF DISABILITY REQUIRES SPECIALIZED INSTRUCTION.
FOLLOW IDEA/CHAPTERS 14 & 342.
BECAUSE OF DISABILITY REQUIRES ACCOMMODATIONS TO PARTICIPATE IN REGULAR EDUCATION.
FOLLOW SECTION 504/CHAPTER 15.
PARENTS REQUEST ACCOMMODATIONS FROM SCHOOL DISTRICT AND SUBMIT AVAILABLE RECORDS, REPORTS PRESCRIPTIONS, ETC. REQUEST MUST BE IN WRITING.
WITHIN 25 SCHOOL DAYS, DISTRICT SENDS WRITTEN RESPONSE INDICATING IT
REJECTS PARENTS' REQUEST. INFORMS PARENTS OF PROCEDURAL SAFEGUARDS.
PARENT MAY REQUEST HEARING, CONFERENCE OR MAY FILE COMPLAINT WITH OCR OR GO DIRECTLY TO FEDERAL COURT.
ACCEPTS REQUEST. ARRANGES MEETING TO DEVELOP SERVICE AGREEMENT.
BELIEVES MORE INFORMATION REQUIRED. REQUESTS PERMISSION TO EVALUATE.
CONSENT GRANTED; EVALUATIONS COMPLETED. MUST BE AT NO COST TO FAMILY.
DISTRICT SENDS WRITTEN RESPONSE INDICATING IT
ACCEPTS PARENTS' REQUEST. ARRANGES MEETING TO DEVELOP SERVICE AGREEMENT.
REJECTS PARENTS' REQUEST. INFORMS PARENT OF PROCEDURAL SAFEGUARDS.
PARENTS MAY REQUEST HEARING, CONFERENCE OR MAY FILE COMPLAINT WITH OCR OR GO DIRECTLY TO FEDERAL COURT.
MEETING HELD AND SERVICE AGREEMENT DEVELOPED WHICH MUST CONTAIN:
1. SPECIFIC RELATED SERVICES, AND/OR AIDS TO BE PROVIDED;
2. SPECIFIC ACCOMMODATIONS TO BE PROVIDED;
3. DATE SERVICES BEGIN/END;
4. EMER. MEDICAL PROCEDURES (IF NECESSARY);
5. SIGNATURES OF PARTIES (IF AGREEMENT REACHED ON ALL OR SOME OF SERVICES).
PARENTS AGREE WITH SERVICE AGREEMENT. SERVICES BEGIN.
PARENTS DISAGREE WITH SERVICE AGREEMENT. MAY REQUEST HEARING, CONFERENCE, OR MAY FILE COMPLAINT WITH OCR OR GO DIRECTLY TO FEDERAL COURT.

SPECIAL EDUCATION FLOW CHART
(under 22 PA Code Chapter 14)


REQUEST FOR EVALUATION
Parents who believe their child needs special education may request a Multi-disciplinary evaluation. The request must be in writing and must give consent for the eval to take place; if made orally, the school must provide a Request Form for the parent to use. 22 PA Code Section 14.25.
INSTRUCTIONAL SUPPORT
If a school has tried to address the student's needs through Instructional Support services, and little or no improvement is seen within 60 days, the student must be referred for a Multi-disciplinary evaluation. The IST applies only to elementary school children. Section 14.24.
MULTI-DISCIPLINARY EVALUATIONS (MDE)
Written parental consent needed for initial evals. Evals must be free, non-discriminatory and must assess the child in all areas. The parents are members of the evaluation team, and must be allowed input. All evaluations must be completed within 45 school days of the parental consent to eval. Section 14.25.
INDEPENDENT EVALUATIONS
Parents may submit eval result obtained from outside sources and results must be considered by MDE Team. Parent may pay for independent eval or, if child has a disability, may request that one be provided at public expense. If school refuses to pay, it must request a hearing to show its evaluation was appropriate. Section 14.67.
INDIVIDUALIZED EDUCATION PROGRAM (IEP)
Within 30 calendar days of the MDE Report, a IEP Team conference must be held. The Team must include at least the child's teacher, a supervisor and the parents. The IEP is a written document that outlines the special program and types and amounts of related services the child needs. The program must be responsive to the child's needs as identified in the eval process, and should include how the instruction will be specialized. The IEP Team must decide the type of special education needed, how much is needed, and the type of school setting in which the child should be placed. Section 14.32.
PLACEMENT
The parents must be sent or given a Notice of Recommended Assignment (NORA) identifying where the child will be placed. The placement must be the least restrictive, most integrated setting in which the IEP can be implemented. For an initial placement in special ed, the parents must approve the NORA in writing. Subsequent NORAs are deemed approved unless disapproved in writing. The NORA must be issued within 5 days after the completion of the IEP conference. If the parents reject the NORA, the child remains in the then current placement until due process is complete. Section 14.41-14.45; 14.61-14.64.

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504 ACCOMMODATION PLAN

NAME: _____ DATE: _____

STUDENT ID# (FSI): _____ DATE of BIRTH: _____ C.A: _____

SCHOOL: _____ TEACHER: _____ GRADE: _____

1. Describe the nature of the concern: _____

2. Describe the basis for the determination of handicap (if any): _____

3. Describe how the handicap affects a major life activity: _____

4. The Child Study Team/Intervention Assistance Team has reviewed the files of the above named student and concludes that he/she meets the classification as a qualified handicapped individual under Section 504 of the Rehabilitation Act of 1973. In accordance with the Section 504 guidelines, the school has agreed to make reasonable accommodations and address the student's individual needs by:

PHYSICAL ARRANGEMENT OF ROOM:

___ seating student near the teacher
___ seating student near a positive role model
___ standing near the student when giving directions or presenting lessons
___ avoiding distracting stimuli (air conditioner, high traffic area, etc.)
___ increasing the distance between the desks
___ *Additional accommodations:* _____

LESSON PRESENTATION:

___ pairing students to check work
___ writing key points on the board
___ providing peer tutoring
___ providing visual aides
___ providing peer notetaker
___ making sure directions are understood
___ including a variety of activities during each lesson
___ breaking longer presentations into shorter segments
___ providing written outline
___ allowing student to tape record lessons
___ having child review key points orally
___ teaching through multi-sensory modes
___ using computer-assisted instruction
___ *Additional accommodations:* _____

ASSIGNMENTS /WORKSHEETS:

___ giving extra time to complete tasks
___ simplifying complex directions
___ handing worksheets out one at a time
___ reducing the reading level of the assignments
___ requiring fewer correct responses to achieve grade
___ allowing student to tape record assignments/homework
___ providing a structured routine in written form
___ providing study skills training/learning strategies
___ giving frequent short quizzes and avoiding long tests
___ shortening assignments; breaking work into smaller segments
___ allowing typewritten or computer printed assignments
___ using self-monitoring devices
___ reducing homework assignments
___ not grading handwriting
___ *Additional accommodations:* _____

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(Over)

TEST TAKING:

___ allowing open book exams
___ giving exam orally
___ giving take home tests
___ using more objective items (fewer essay responses)
___ allowing student to give test answers on tape recorder
___ giving frequent short quizzes, not long exams
___ allowing extra time for exam
___ reading test item to student
___ *Additional accommodations:* _____

ORGANIZATION:

___ providing peer assistance with organizational skills
___ assigning volunteer homework buddy
___ allowing student to have an extra set of books at home
___ sending daily/weekly progress reports home
___ developing a reward system for in-schoolwork and homework completion
___ providing student with a homework assignment notebook
___ *Additional accommodations:* _____

BEHAVIORS:

___ praising specific behaviors
___ using self-monitoring strategies
___ giving extra privileges and rewards
___ keeping classroom rules simple and clear
___ making "prudent use" of negative consequences
___ allowing for short breaks between assignments
___ cueing student to stay on task (nonverbal signal)
___ marking student's correct answers, not his mistakes
___ implementing a classroom behavior management system
___ allowing student time out of seat to run errands, etc.
___ ignoring inappropriate behaviors not drastically outside classroom limits
___ allowing legitimate movement
___ contracting with the student
___ increasing the immediacy of rewards
___ implementing time-out procedures
___ *Additional accommodations:* _____

MEDICATION:

name of physician: _____ phone: _____
medication(s): _____ schedule: _____
_____ schedule: _____
monitoring of medication(s): _____ daily _____ weekly _____ as needed basis
administered by: _____

SPECIAL CONSIDERATIONS:

___ suggesting parenting program(s)
___ monitoring student closely on field trip
___ inservicing teacher(s) on child's handicap
___ providing social skills group experiences
___ developing intervention strategies for transitional periods (e.g., cafeteria, physical education, etc.)
___ alerting bus driver
___ suggesting agency involvement
___ providing group/individual counseling

Comments: _____

Participants: (name and title)

_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

Case manager's signature: _____

BECs Basic Education Circulars 12 - 9
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

Date issued October 1991
Replaces BEC #37-87

SUBJECT: Change in Educational Placement
Suspension or Expulsion/Exceptional Student

TO: Pennsylvania School Administrators

FROM: Joseph F. Bard
Commissioner for Elementary
and Secondary Education

The purpose of this correspondence is to clarify the policy and procedures regarding a change in educational placement when that change is in the nature of a suspension or expulsion of an exceptional student.

Change in Educational Placement

A change in educational placement of an exceptional student as defined in 22 Pa. Code §14.1 (vi) and §14.35 (c)(1) as an exclusion of an exceptional student from the educational environment for more than 10 consecutive days or more than 15 cumulative days in a school year, or an exclusion of a student with mental retardation. If the school district proposed suspension is: longer than 10 days, or longer than 15 days when added to prior suspension in the school year, or an exclusion of a student with mental retardation, it is considered a change of placement requiring a multidisciplinary team evaluation to consider whether the suspension may take place.

Any recurring, part-day removals may constitute a change of placement just as recurring full day removals of the student from the class constitutes a change in placement. For example, if a student is excluded from math class for 10 consecutive days and the removal was not part of the behavior management plan, the 11th day of exclusion is considered a change in educational placement requiring multidisciplinary evaluation, written notice to the parent and the right to a due process hearing.

Multidisciplinary Team Consideration

Prior to a change in educational placement related to suspension or expulsion, the multidisciplinary evaluation team (MDT) shall be convened. Parents are members of the MDT and must be invited to participate on the MDT considering a change in educational placement. The MDT provides a recommendation to the IEP team. In many cases, the MDT and IEP team may consist of the same persons. The IEP team must consider whether an eligible student might need the application of school discipline procedures and determine whether the actual or anticipated behavior is attributable to the student's disability. In making this determination, the IEP team must review the previous behavior and the likelihood of the occurence or recurrence of behaviors requiring disciplinary action and whether the behavior exhibited by the student that led to the proposed suspension is related to the student's

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disability. If so, the student may not be suspended and a behavior management program must be developed to address the student's needs. According to §14.36(b), for each eligible student or young child who exhibits behavior problems which interfere with the student's ability to learn, including students identified as seriously emotionally disturbed, the IEP shall include provisions for a program of behavior management in accordance with Chapter 342.

As part of the behavior management planning, parents and school officials should review the school districts policies related to 22 Pa. Code Chapter 12, Student Rights and Responsibilities. The IEP team members can then agree to adopt relevant portions of these general district policies as components of the behavior management plan in the IEP. The behavior management plan will provide the vehicle in the determination of what constitutes a change in educational placement for each student's program. If the IEP team has included certain school responses to student behavior in the behavior management plan, the application of the agreed upon procedures will not constitute a change in educational placement.

Emergency Exclusion for Students who are Mentally Retarded

The protection afforded students with mental retardation in the Commonwealth concerning suspension are greater than the protection afforded other exceptional students. For students with mental retardation, any suspension is a change in placement. However, the regulations provide a mechanism for emergency exclusions of students with mental retardation, where necessary.

Under §14.34(d), if a discipline problem with an exceptional student is so immediate or severe as to warrant immediate action, the school district, with the approval of the Secretary or a designee, may implement an interim change in educational placement, including exclusion from school, as long as notice is provided to the parents and a due process hearing is scheduled as soon as possible.

Since the Supreme Court's adoption of a 10 day standard for a change in placement, the Secretary approval process under §14.35(d) is available only for an exclusion of a student with mental retardation for 10 days or less. The Secretary will not approve any suspension for more than 10 days because he does not have legal authority to give such approval. A school district proposing to exclude a student with mental retardation must first notify the student's parent in writing requesting approval. If the approval is not given, the parents and/or school district have the right to a due process hearing to determine whether a change in placement is appropriate.

Criteria for Submitting Requests to the Bureau of Special Education

A school district may request approval of the suspension of a student with mental retardation that is less than 10 days if:

1. The student's continued presence in school presents a danger to himself/herself or to others. Examples of such emergency situation are: physical assault on a teacher or another student, action of

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a criminal nature taking place on school property, or continuous disruptive conduct undermining classroom or school discipline which the school has addressed in the IEP; and

2. Parent consent to the suspension could not be obtained because the school official was unable to contact the parent to invite them to participate in the MDT and approve the notice of the change in placement.

If the Secretary, through the Bureau of Special Education, grants an emergency suspension which the parents do not approve, an expedited due process hearing (held within three to five days) may be requested.

To pursue Secretarial approval for a change in placement for a student with mental retardation under §14.35(d), see "Contact" at end of this BEC.

REFERENCES:

School Code:

Curriculum Regulations:

Pa. Code:

22 Pa. Code §§14.1(vi), 14.35(b),(c),(1) and (d), 14.36(b), Chapter 342, Chapter 12

Purdon's:

Other:

CONTACT:

Bureau of Special Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Phone: (717) 783-6913

Attachments # pages 0

BEC Basic Education Circulars
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF EDUCATION

Date issued June 1991
Replaces BEC #N-

SUBJECT: Implementation of Chapter 15

TO: Pennsylvania School Administrators

FROM: Joseph F. Bard
Commissioner of Elementary and Secondary Education

The State Board of Education amended Title 22 by adding Chapter 15, which relates to protected handicapped students. These regulations do not impose new substantive requirements. Instead, it provides definitions of terms and procedures for uniform implementation of the requirements found in Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C.A. §794) and its implementing regulations at 34 CFR Part 104 relating to nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from federal financial assistance. Chapter 15 regulations became effective with the final publication in the Pennsylvania Bulletin on February 23, 1991.

According to Chapter 15, a school district shall provide each protected handicapped student enrolled in the district, without cost to the student or family, those related aids, services or accommodations which are needed to afford the student equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities without discrimination and to the maximum extent appropriate to the student's abilities.

The term "protected handicap student" is central to Chapter 15, and distinguishes it from Chapter 14. In order to qualify as protected handicapped student under Chapter 15, a student must:

- be of an age at which public education is offered in that school district;
- have a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the student's school program; and
- not be eligible as defined by Chapter 14 or be eligible but raise a claim of discrimination under §15.10.

In implementing Chapter 15, the school district must:

- notify parents, on an annual basis, about the school district's policy on nondiscrimination against protected handicapped students;

- set forth procedures to initiate evaluation of children thought to be protected handicapped students and initiate the delivery of services to these students;

- set forth procedures for parents to request evaluations of their children if the children or the parents believe they are protected handicapped students;

- respond to the requests and initiate the delivery of services to the students;

- require the agreement between parents and the school district services to be provided to protected handicapped students (to be reduced to writing in the form of a written service agreement);

- set forth procedural safeguards for protected handicapped students. their parents and school districts;

- provide for the confidentiality of students information consonant with the provisions of Chapters 12 and 14, Section 513(a) of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. §1232g);

- permit both eligible and noneligible students under Chapter 14 to exercise the rights granted by §15.8(a) relating to procedural safeguards.

School administrators should be aware that Section 504 has been interpreted to cover a wider range of people and activities than is covered by the Individuals with Disabilities Education Act (formerly called the Education of the Handicapped Act). For example, a court has ordered a school district to provide a sign language interpreter for a deaf parent of a hearing child. for important school-parent meetings. At the federal level, Section 504 is implemented by the U.S. Department of Education's Office for Civil Rights. It is noteworthy that a student or parent can often go directly to court under Section 504, without first going through an administrative hearing. PDE thus advises school administrators to familiarize themselves not only with the new Chapter 15 regulations but also with the older federal Section 504 regulations found at 34 CFR Part 104. The citation for the provision that focus on elementary and secondary education 34 CFR §104.31 - 104.39.

The Bureau of Special Education has been designated as the agent for the implementation of Chapter 15. As such, any complaints should be directed to the Bureau of Special Education and requests for due process hearing should be forwarded to the Right to Education Office.

The Pennsylvania Department of Education will provide guidelines to assist in the implementation of Chapter 15.

SAMPLE

Annual Notice to Parents

In compliance with state and federal law, the _____ school district will provide to each protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected handicapped student the child must be of school age with a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the school program.

These services and protections for "protected handicapped students" are distinct from those applicable to all eligible or exceptional students enrolled (or seeking enrollment) in special education programs.

For further information on the evaluation procedures and provision of services to protected handicapped students, contact _____, at _____.

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Notice of District-Initiated Evaluation as a Protected Handicapped Student

Dear _____:
(Parent)

The school district believes that _____ should be identified/ should no longer be identified/ requires a change in or modification of the service agreement.

The basis for the belief that the student is or is no longer a protected handicapped student is:

_____

_____

_____

The proposed change or modification in the service agreement is:

_____

_____

_____

The procedures and types of tests that will be used in the evaluation are:

_____

_____

_____

_____

If you have any additional information or medical records which will assist in this evaluation, please forward them to me or call me at _____ to discuss this information.

Parents have the right to review all relevant school records of the student, meet with appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to these evaluations.

Directions: Please check one of the options and sign the form.

_____ I give my permission to proceed with the evaluation and/or modification of the service agreement.

_____ I do not give my permission to proceed with the evaluation and/or modification of the service agreement.

My reason for disapproval is: _____

_____

_____ I request an informal conference to discuss the evaluation and/or modification of the service agreement.

_____ _____
Parent(s) Signature Date

REFERENCES:

School Code:

Curriculum Regulations:

Pa. Code:

22 PA Code Chapter 15

Purdon's:

Other:

Federal Regulations Act of 1973 (29 USCA §794) Section 504 -- 34 CFR, Part 104 -- Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. §1232g) Section 513(a).

CONTACT:

Bureau of Special Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Phone: (717) 783-6913

Attachment " pages 6

Attachments to BEC 7-91

Implementation of Chapter 15

According to Chapter 15 of the State Board Regulations, a school district shall provide each protected handicapped student enrolled in the district, without cost to the student or family, those related aids, services or accommodations which are needed to afford the student equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities without discrimination and to the maximum extent appropriate to the student's abilities.

The Bureau of Special Education has been designated as the agent for the implementation of Chapter 15. As such, any complaints should be directed to the Bureau of Special Education. Requests for due process hearings should be forwarded to the Right to Education Office.

In order to assist with the implementation of Chapter 15, the Bureau of Special Education has developed sample forms for LEA use. Attached are the following forms for your review and consideration:

1. Annual notice
2. School district initiated evaluation notice
3. Service agreement
4. Procedural safeguards

Any questions concerning the implementation of Chapter 15 should be directed to Ms. Noretta Bingaman of my staff at 717-783-6913.

Attachments:

Service Agreement

Student Name:_____

Date Services Begin:_____

Date Services End:_____

Initial Agreement:_____

Modified Agreement:_____

I am writing as a followup on our recent evaluation concerning your child and to summarize our recommendations and agreements for aids, services or accommodations. The aids, services or accommodations are as follows:

_____

_____

_____

_____

The following procedures need to be followed in the event of a medical emergency:

_____

_____

The attached letter outlines your rights to resolve any disputes that you may have concerning the recommended aids, services or accommodations. If you have any questions concerning your rights or the aids, services, or accommodations recommended, please feel free to contact me.

_____ _____

School District Administrator Date

DIRECTIONS: Please check one of the options and sign this form.

_____ I agree and give permission to proceed as recommended.

_____ I do not agree and do not give permission to proceed as recommended.

_____ I would like to schedule an informal conference to discuss my concerns.

My reason for disapproval is: _____

_____

_____ _____

Parent(s) Signature Date

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Procedural Safeguards

Dear Parent:

As part of the protections available to you if we cannot agree as to what related aids, services, or accommodations should or should no longer be provided to your child, the procedural safeguard system may be used to resolve the dispute. Following are some details of the avenues available to use.

Parental request for assistance.

Parents may file a written request for assistance with the Department of Education if the school district is not providing the related aids, services, and accommodations specified in the service agreement and/or the school district has failed to comply with the regulations in Chapter 15 of the State Board.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within 60 calendar days of receipt of the request, send to the parents and school district written response to the request.

Written requests should be addressed to:
Pennsylvania Department of Education
Bureau of Special Education
333 Market Street
Harrisburg, PA 17126
717-783-6913

Informal Conference

Parents may file a written request with the school district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aid, service, or accommodation. Within 10 school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal due process hearing

Parents may file a written request with the school district for an impartial due process hearing. The hearing shall be held before an impartial hearing officer.

Following are dome details about the due process hearing:
The hearing shall be held in the local school district at a place reasonably convenient to the parents. At the request of the parents, the hearing may be held in the evening.

The hearing shall be an oral, personal hearing and shall be open to the public unless the parents request a closed hearing.

If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.

If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.

The decision of the hearing officer shall include findings of fact, a discussion and conclusions of law. The decision shall be based solely upon the substantial evidence presented at the hearing. The hearing officer shall have the authority to order that additional evidence be presented.

A written transcript of the hearing shall, upon request, be made and provided to parents at no cost.

Parents may be represented by any person, including legal counsel.

A parent or a parent's representative shall be given reasonable access to all educational records, including any tests or reports upon which the proposed action is based.

Any party may prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing.

A parent or a parent's representative has the right to compel the attendance of and question witnesses of the school entity or agency who may have evidence upon which the proposed action might be based.

Any party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.

The Secretary of Education will contract with the Right to Education Office for the services of impartial hearing officers, who preside over initial hearings on behalf of local districts on behalf of the PA Department of Education and may compensate hearing officers for their services. The compensation shall not cause hearing officers to become employees of the Department. The hearing officer may not be an employe or agent of a school entity in which the parents or student resides, or of any agency which is responsible for the education or care of the student.

The following timeline applies to due process hearings:

1. A hearing shall be held within 30 calendar days after a parent's initial request for a hearing.
2. The hearing officer's decision shall be issued within 45 calendar days after the parent's request for a hearing.

Judicial appeals

If the hearing pertains to Chapter 14 and 15 rights, the decision of the impartial hearing officer may be appealed to a panel of 3 appellate hearing officers. The panel's decision may be appealed further to a court of competent jurisdiction. If the hearing pertains to Chapter 15 rights, the decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. Under some circumstances, you may raise these claims directly under section 504 without going through the due process hearing.

If, within, 60 calendar days of the completion of the administrative due process proceedings under this chapter, an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents and school district agree otherwise.

Your Rights as the Parent of a Child Who is Exceptional

. . . a guide to Pennsylvania's Special Education Complaint Management System

QUESTIONS YOU MAY HAVE . .

> WHAT'S THE DIFFERENCE BETWEEN THE COMPLAINT MANAGEMENT SYSTEM AND THE DUE PROCESS HEARING SYSTEM?

The COMPLAINT MANAGEMENT SYSTEM investigates allegations that a school district has failed to honor the rights guaranteed to a student who is exceptional and their parents by state and federal special education laws and regulations.

for example:

Despite parental objections, a school district wants to evaluate a child enrolling in first grade to determine if he or she is exceptional and should participate in special education.

The law requires a school district to obtain parental consent for any initial evaluation of a thought-to-be exceptional student. The Bureau of Special Education, if able to verify that the district neglected to get this consent, can direct the district to obtain the parents' permission before evaluating the student.

The DUE PROCESS HEARING SYSTEM, on the other hand, is used to resolve disagreements between parents and school officials over whether an exceptional student is receiving an appropriate educational program. If a hearing is requested by a parent, the State appoints an impartial hearing officer who conducts the hearing and issues a written decision, binding on the parties.

Copy of 3 page document

(USE OF THIS FORM IS OPTIONAL)

PENNSYLVANIA DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION
DIVISION OF REGIONAL REVIEW
CONSUMER COMPLAINT FORM

INFORMATION ABOUT PERSON FILING THIS COMPLAINT:

NAME: _____ DATE: _____

ADDRESS: _____

_____

_____

PHONE: HOME: ( ) _____ WORK: ( ) _____

RELATIONSHIP TO CHILD: PARENT / ADVOCATE / ATTORNEY / OTHER _____

INFORMATION ABOUT THE CHILD:

NAME: _____ AGE: _____

IS CHILD CURRENTLY IN SCHOOL? YES _____ NO _____

WHERE IS CHILD'S CURRENT PROGRAM? _____
(Name of district, IU, APS, PRRI, etc.)

_____ _____
Special Education Regular Education

USE THIS SPACE TO DESCRIBE BRIELFLY THE PROBLEM. (IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEET; ATTACH COPIES OF ANY DOCUMENTS, SUCH AS CHILD'S IEP, YOU THINK ARE IMPORTANT FOR THIS COMPLAINT):

PLEASE RETURN ORIGINAL & COPY OF THIS FORM TO:

PENNSYLVANIA DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION
DIVISION OF REGIONAL REVIEW
333 MARKET STREET
HARRISBURG, PENNSYLVANIA 17126-0333
(717) 783-6913

FOR PDE USE ONLY

DATE RED'D BY DRR _____ REVIEWER ASSIGNED _____ DATE _____

INTAKE LOGGED/ENTERED _____

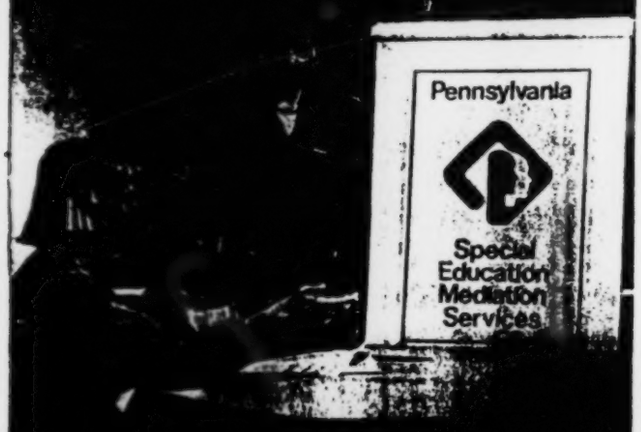
PDE-4609

ORIGINAL COPY

Instructional Support System of Pennsylvania
Pennsylvania Department of Education

Pa SEMS

Pennsylvania Special Education Mediation Service



Mediation – The Meeting What Should I Expect?

- The mediator will introduce the parties, review procedures and answer questions about mediation.
- Each party is given an uninterrupted opportunity to present its point of view.
- The issues are discussed with all parties present.
- The mediator meets privately/confidentially in caucus with each party. The parties may request to meet privately in a team meeting.

Additional caucus sessions may occur as the need arises.

- The mediator brings the parties together to discuss possible solutions to the issues.
- When a mutually satisfactory agreement is reached, the mediator will record it in writing.
- Each party signs the agreement and receives a copy. When appropriate, the Individualized Family Service Plan (IFSP) or the Individualized Education Program (IEP) is revised to reflect the agreement.,
- Pa SEMS will contact the parties to determine if the agreement is being implemented.

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From the Desk of

Mary Fowler

CH.A.D.D. Governmental Affairs
Committee Chairperson

U.S. Department of Education Policy Memorandum

Since the U.S. Department of Education issued its policy clarification memorandum regarding Attention Deficit Disorder on September 16, 1991, many parents have called CH.A.D.D. to inquire about what the policy actually means. Though we have received some favorable reports about districts who are grateful for the guidance and interested in obtaining more information, most of the calls have generally been prompted by the school district's apparent confusion over their responsibilities to provide a free, appropriate public education for children with ADD. Some parents have been told that this policy is a federal policy and doesn't apply in their state. Others have heard that the policy is a "recommendation only," and the district had the option on whether to follow the "guidelines."

In order to understand the import of the Policy Memorandum, we need to know a bit about what happens after Congress passes bills into laws affecting U.S. public education. In 1975 Congress passed the Education for All Handicapped Children Act (EHA), Public Law 94-142. This Act – the EHA, as with all Congressional Acts, was then signed into law by the President of the United States. The law was then sent to the administrative agency with jurisdiction over the implementation of the law. For the EHA, that administrative agency is the U.S. Department of Education (U.S. D.O.E.).

Once given the law, the U.S. D.O.E. had to create rules and regulations to implement the law. Those rules and regulations defined the minimum levels of special education and related services required for all U.S. public schools. Each state in the United States then had to adopt their own laws meeting the United States Department of Education's PL94-142 requirements. States were (and are) free to expand upon the U.S. D.O.E. requirements. They are not free to ignore them, or go below the minimum standards set forth by the U.S. D.O.E. Every five years, the E.H.A. has been reviewed for possible amendments by Congress. In 1990, the name of the law was changed to Individuals with Disabilities Education Act (IDEA).

When CH.A.D.D. first sought to have children with ADD included in the EHA/IDEA, we attempted to have ADD made a separate handicapping condition. The U.S. D.O.E. took the position that a statutory change, i.e., a change in the existing law, was unnecessary because our children could meet eligibility requirments for access to special education and related services under the existing rules and regulations. Congress reviewed our requests, taking into consideration the position of the U.S. D.O.E., along with input from other groups in the education community. Congress then directed the U.S. D.O.E. to conduct a Notice of Inquiry (NOI) to further study the situation to determine what steps would be necessary to ensure that children with ADD received a free, appropriate public education.

Based on the responses received by the NOI, the U.S. D.O.E. detrmined that children with ADD could be served under the category of Other Health Impaired which already existed under the current rules and regulations. Congress decided that no further legislative action was necessary. In other words, the law did not need to be amended. The U.S. D.O.E., however, realized as a result of the comments received from the Notice of Inquiry, that widespread confusion existed regarding how children with ADD should be classified for purposes of receiving special education and related services. Thus, they issued the Policy Memorandum.

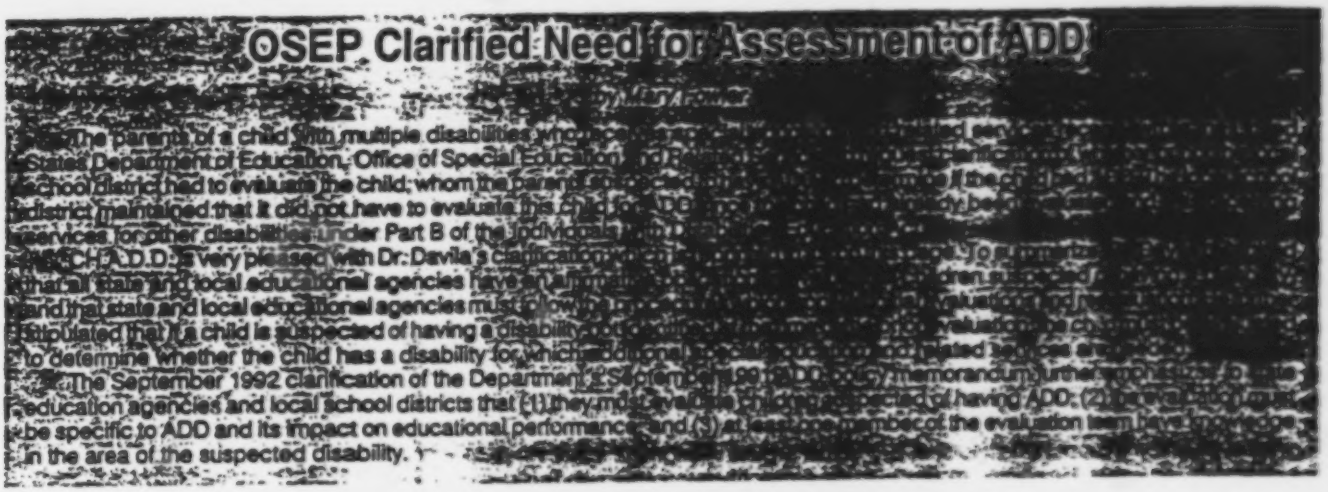
The directives set forth in the Policy Memorandum reflect the United States Department of Education's interpretation of the law (IDEA) and its implementing rules and regulations. The policy is not a change in the current federal law including the U.S. D.O.E. rules and regulations, but the directives set forth in the Policy Memorandum reflect the U.S. D.O.E.'s interpretation of how public schools must apply this law. Thus, all states and local education agencies, i.e., state departments of education and local school districts, must comply with this interpretation of existing law, which defines the rights of access to special education for children with ADD. To do any less would appear to violate the law as interpreted by the U.S. D.O.E. So, if your local school district or state department of education tells you that they do not need to follow the policy directives, they are in error.

In addition to discussing the rights of children with ADD under IDEA and PL94-142, in the Policy Memorandum, the U.S. D.O.E. also talked about our children's rights under another federal law, Section 504 of the Rehabilitatin Act of 1973. This law and its implementing rules and regulations govern the rights of all children with disabilities both in special and regular education. In the Policy Memorandum, the U.S. D.O.E. explicitly stated that all local education agencies, i.e., local school districts, must provide a free, appropriate public education to any qualified handicapped child. The U.S. D.O.E. further explained the child's rights under Section 504, and listed possible educational strategies for children with ADD.

So, if you are told that Section 504 does not apply in your local school district, you may want to hand a copy of the policy to your superintendent of schools, building principal, etc. and discuss the words on the paper. Furthermore, if you are presentec with a negative response, you can call the Regional Office of Civil Rights to discuss your problems. Those offices will intervene on your behalf. For a complete copy of the Policy Memorandum, and listings of the Regional Offices of Civil Rights, please refer to the November/December 1991 issue of the CHADDERBOX. Feel free to copy this information and give it to whomever you would like.

Another very informative article about the laws governing the rights of children with disabilities is "The Education of Children and Youth with Special Needs: What Do the Laws Say?" Volume 1, Number 1, 199? published by National Information Center for Children and Youths with Disabilities (NICHCY). For a free copy call 1-800-999-5599 or write NICHCY, Post Office Box 1492, Washington, D.C. 20013.

OSEP Clarified Need for Assessment of ADD



The parents of a child with multiple disabilities, who [illegible] States Department of Education, Office of Special Education [illegible] school district had to evaluate the child, whom the parents [illegible] district maintained that it did not have to evaluate the child for ADD [illegible] services for other disabilities under Part B of the Individuals [illegible] CHADD is very pleased with Dr. Davila's clarification [illegible] that all state and local educational agencies have an affirmative [illegible] and that state and local educational agencies must follow [illegible] stipulated that if a child is suspected of having a disability [illegible] to determine whether the child has a disability for which additional [illegible] The September 1992 clarification of the Department's September 1992 OSEP policy memorandum further [illegible] education agencies and local school districts that (1) they must evaluate [illegible] suspected of having ADD; (2) parent consent must be specific to ADD and its impact on educational performance; and (3) at least one member of the evaluation team have knowledge in the area of the suspected disability.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

SEP 29 1992

Dear . . . . .

This is in response to your correspondence dated May 5, 1992, directed to my attention. You requested that this Office clarify the requirements of Part B of the Individuals with Disabilities Education Act (Part B) with respect to identifying children suspected of having attention deficit disorder (ADD) when they already have been identified under Part B as a child with disabilities.

Your letter indicates that you requested that your local school district evaluate your (*son/daughter*), who is currently receiving special educational services as a result of a visual impairment and "developmental delay of prematurity and mild cerebral palsy," because you suspect that *he/she* may have ADD. Your letter also indicates that counsel (for your local school district) is of the opinion that your local school district is under no obligation to evaluate your (*son/daughter*) "for a possible additional handicapping disability, specifically ADD, since (*he/she*) had already been identified as a handicapped child due to (*his/her*) visual impairment and was already receiving special educational service."

Under Part B, state and local educational agencies (SEAs and LEAs) have an affirmative obligation to evaluate all children who are suspected of having a disability and, as a result, of needing special education and related services. 34 C.F.R. §§300.128 and 300.220. The evaluation must be performed prior to the initial placement of the child in a special education program. 34 C.F.R. §300.531. For children who are currently receiving special education and/or related services, reevaluations must be performed: (1) every three years; (2) more frequently than every three years if conditions warrant; and/or (3) at the request of the child's parent or teacher. 34 C.F.R. §300.534(b).

Part B sets forth requirements which must be followed in evaluating children who are suspected of having a disability. *See*, 34 C.F.R. §300.532. These procedures apply to *initial evaluations and reevaluations*. *See*. 34 C.F.R. §§300.531 and 300.534(b). The procedures found at 34 C.F.R. §300.532 include the requirements that SEAs and LEAs insure that:

> (b) [t]ests and other evaluation materials include those tailored to assess *specific areas of educational need* . . .
>
> (e) [t]he evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist *with knowledge in the area of suspected disability* . . . and
>
> (f) [t]he child is assessed in *all areas related to the suspected disability* . . .

34 C.F.R. §300.532(b), (e), and (f) (emphasis added).

The regulations, as stated above, require that the evaluation of the child be tailored to the suspected disability. Thus, if a child is suspected of having a disability that was not identified at the time of a prior evaluation, the child must be evaluated to determine whether the child had a disability for which additional special education and related services are needed.

It is not clear from your letter whether your local school district has refused to evaluate your (son/daughter). However, if your local school district has refused, or refuses, to initiate or change the identification, evaluation or educational placement, or provision of a free appropriate public education (FAPE) to your child, they must give you written notice. 34 C.F.R. §300.504(a)(2). Further, you or the public agency may initiate a hearing if either of you disagrees with the public agency's proposal or refusal to initiate or change the identification, evaluation or educational placement of the child, or the provision of FAPE to the child. 34 C.F.R. §300.506.

Further, under Part B, you have the right to obtain an independent educational evaluation (IEE) of your child. If you disagree with an evaluation obtained by your local school district, you have the right to obtain the IEE at public expense. However, the public agency may initiate a hearing to show that its evaluation is appropriate. 34 C.F.R §300.503(b). If the IEE is obtained at private expense, the results of the evaluation "must be considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child." 34 C.F.R. §300.503 (c)(1).

I hope that you will find this information helpful. If I can be of further assistance, please let me know.

Sincerely,

/s/ Robert R. Davila

Children with ADD are eligible for services under Part B if: (1) their ADD is a chronic or acute health problem causing limited alertness that adversely affects educational performance and, as a result, they need special education and related services; or (2) they satisfy the criteria applicable to another disability category.

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ADD ELIGIBILITY FOR SPECIAL SERVICES
(Clarified by Memo to Chief State School Officers dated 9/16/91)

I. Public Law 94-142 (Individuals with Disabilities Education Act)

Eligibility based on "other health impaired" category when ADD is a chronic health problem resulting in limited alertness adversely affecting the child's eductional performance.

1. Must be eligible and in need (law allows states to determine definition of "in need")
2. Medical diagnosis alone not sufficient
3. Multi-disciplinary team must conduct evaluation
   - Team must include at least one specialist with "knowledge in area of suspected disability"

II. Rehabilitation Act, Part B, Section 504

Eligibility provided under "handicapped person" definition - "any person who has a physical or mental handicap which substantially limits a major life activity" such as learning.

1. Service Agreement - provides support for handicaps not eligible under state and federal regulations. Allows by-passing of official evaluation and IEP processes.

   - Content: Description of nature of concern (ADD)
     Description of basis for determination (may use independent evaluation)
     Description of effects of disability on educational performance
     Description of accommodations best suited to student

2. "Steps to educate teachers and other personnel to develop awareness about ADD and its manifestations and adaptations implemented in regular education" should be taken.

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DRAFT 2/10/95

The Multi-System Psychiatric Evaluation Service (MSPE) for Children

Introduction:

The Multi-System Psychiatric Evaluation (MSPE) for Children is a community-based mental health service for MA eligible children under the age of 21. The MSPE provides the mechanism for a comprehensive community-based psychiatric evaluation and psychiatric monitoring of those children who present with serious emotional or behavioral disorders and/or mental illness, with multiple child-serving system involvement, who may be at risk for institutional placement, and for whom an Interagency Service Team is necessary. The MSPE for Children is applicable for licensed psychiatrists with experience working with, or specialized knowledge of, children and adolescents.

Under such circumstances of clinical complexity, an intensive psychiatric evaluation and monitoring service is needed that enables the psychiatrist to work collaboratively and systemically with other mental health, educational and human service professionals and with the child's family, so that service recommendations and treatment implementation can effectively address the child's mental health and related needs. This service provides the necessary continuity in the clinical direction and oversight for children with very complex conditions.

Scope of the MSPE for Children:

The MSPE for Children covers the following psychiatric service activities:

1. Face-to-face interview and Psychiatric Evaluation with child and with family;
2. Face-to-face medication monitoring, and coordination with medical services for complex health needs of child.
3. Face-to-face and/or collateral contacts with referral contacts and service providers.
4. Review of case records;

83

5. Preparation of written Psychiatric Evaluation reports and of additional reports necessary to document the need for services and the progress of the child;

6. Case-consultation in Interagency Service Team meetings and in subsequent Treatment Team meetings, and through face-to-face contacts and/or collateral contacts with professionals, community resources, and the family pertaining to the child.

The activities which comprise the MSPE can occur at an agency site, and/or in the family home or an appropriate community site.

Indications for Service:

The MSPE for Children may be utilized for an MA eligible child under conditions 1 or 2 below, in association with condition 3:

1. The child, due to a severe emotional and/or behavioral disorder and/or mental illness, is at risk for out-of-home placement, **or**

2. Three or more child-serving systems are currently involved in the child's care, or will be imminently involved in the child's care, **plus**

3. An Interagency Service Team has been convened, or will be imminently convened, to address the strengths and the significant functional limitations of the child resulting from a severe emotional and/or behavioral disorder and/or mental illness.

In addition, the MSPE for Children requires that the prescribing psychiatrist have face-to-face contact with the child's parents or guardians prior to writing a Psychiatric Evaluation report, so that family information and family recommendations can be incorporated into the report.

The psychiatrist may arrange face-to-face interviews with the child's parents or guardians in the following ways:

1. By including parents or guardians as active participants in the interview, during part of the Psychiatric Evaluation of the child.

   a. For the child in foster care, the participation of biological parents, when appropriate, is also encouraged.

   b. It is expected that the child will also be seen separate from the parents or guardians during the Psychiatric Evaluation.

   c. Consistent with parental or guardian permission, other valued professionals or community persons may selectively be invited to participate in the Psychiatric Evaluation.

2. By talking with parents or guardians during the Interagency Service Team Meeting, prior to writing the Psychiatric Evaluation report.

Scope of Service Provision:

1. The MSPE for Children, incorporating the sequential evaluation and psychiatric clinical oversight functions as identified above, including medication monitoring when applicable may involve a maximum of 12 hours over a 4-month period for each eligible child who remains in community care.

2. For the child in community care, the MSPE for children can be repeated, if necessary, for two additional 4 month periods, constituting a total of 3 service periods, 4 months each, maximum 12 hours/service period annually (maximum of 36 hours/year).

3. If the child is placed in institutional care and then discharged to the community, the MSPE may be used to help reintegrate the child back into the family home or other community placement, under the following conditions:

   a. The duration of each outpatient service period remains 4 months.

b. For the discharged child, the MSPE for Children may be reactivated as an additional service period once, to continue for the next 4 months with the child in the community. The maximum number of service periods for any child who is institutionalized and then discharged is 4 during a calendar year (maximum of 48 hours/year).

***Rate of Reimbursement:**

1. Psychiatric practitioners performing the MSPE for Children will be reimbursed at the rate of ..../hr.

*To be determined.

Expectations of Service Providers:

1. Psychiatric practitioners will provide the MSPE for children in community based settings only (not in psychiatric hospitals or residential facilities).

2. Psychiatric practitioners will adhere to CASSP Principles in performing all clinical responsibilities.

3. Psychiatric practitioners will meet with parents or guardians at least once, according to the mechanisms described above, during each 4-month service period. If the child requires emergency Psychiatric Evaluation in the absence of parents or guardians and the psychiatrist is unable to attend the Interagency Team Meeting, then the psychiatrist will arrange a timely follow-up meeting with the parents or guardians and child, which will be documented and typed as a Psychiatric Follow-Up Meeting.

4. Psychiatric practitioners are strongly encouraged to participate directly in Interagency Team meetings and follow-up Treatment Team meetings, whenever possible.

5. The psychiatrist must coordinate treatment recommendations within the Psychiatric Evaluation with the recommendations of the Interagency Team and the Treatment Team.

6. The Psychiatrist will prepare Psychiatric Evaluation and Re-Evaluation reports consistent with the protocols developed by the Children's Bureau, Office of Mental Health, and the Office of Medical Assistance (Appendix I).

7. In addition to formal Psychiatric Evaluation and Re-Evaluation reports, the Psychiatrist will document all other contacts with child, family, Interagency Service Team, Treatment Team, and community resources in the child's progress notes.

DRAFT
Pennsylvania Children's Bureau
February, 1995

LS/001/gg

The referral network or speakers panel can be reached by calling the PBA toll-free number, **1-800-932-0311**, and asking for the committee's staff administrator. If you are interested in assisting with the committee's activities, or in being part of the speakers' panel, please feel free to call the committee at PBA headquarters to find out how you can become more involved.

SPECIAL NOTE: This pamphlet has been issued to inform and not to advise. It is based upon Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

pennsylvania Bar association

This pamphlet has been made available to you as a public service by the PENNSYLVANIA BAR ASSOCIATION and the PENNSYLVANIA BAR TRUST FUND, with the cooperation of your lawyer and local bar association. It was prepared with the assistance of the Pennsylvania Bar Association Special Committee on the Legal Rights of Exceptional Children.

PAMPHLETS IN THIS SERIES

- Alimony, Support, Custody and Visitation
- Automobile Accidents
- Bankruptcy
- Bringing A Suit Before A District Justice
- Buying A Home
- Criminal Law
- Finding A Lawyer
- Handling An Estate
- Lawyers And Their Fees
- Making A Will
- Renting A Home Or Apartment
- Rights of Exceptional Children
- Separation And Divorce
- Social Security
- Traffic Violations And Other Summary Offenses
- Unemployment Compensation
- Worker's Compensation

Single copies of the pamphlets are available without charge by writing to: Pamphlets, Pennsylvania Bar Association, P. O. Box 186, Harrisburg, PA 17108

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6/87

WHAT SHOULD I KNOW ABOUT THE RIGHTS OF EXCEPTIONAL CHILDREN?

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What is an exceptional child?

The term "exceptional child" usually refers to a school-aged child who is handicapped and who, because of that handicap, requires a modified educational program. Handicapping conditions include physical impairments such as hearing, sight, speech or orthopedic problems; and mental impairments such as mental retardation, learning disabilities or emotional disturbance. Youngsters who are gifted are also considered to be exceptional children.

What rights do exceptional children have in Pennsylvania?

All exceptional children in Pennsylvania have the right to a free and appropriate program of special education and to related services. Parents have the right to be partners with school officials in all aspects of the special education process, from the evaluation stage to the decision over which programs, services or placement procedures are best suited to their children. Procedures are also available that allow parents to challenge a school district's decision, and to ensure that parents are able to enforce their children's right to special education.

What is an "appropriate" program?

Under state and federal law, an exceptional child is entitled to an appropriate program of special education or training—that is, an educational program which is designed to meet the child's individual educational needs.

An appropriate progr[illegible] made up of "specially designed instruction" and the "related services" needed to help the child benefit from that instruction. The program can be provided in a regular or special class or school, depending on the child's needs. The law requires that the educational program be fitted to the child, not the child to a preconceived program.

At what age are exceptional children eligible for free and appropriate educational programs and related services?

All exceptional children from the age of six years through 21 years are eligible for free and appropriate programs of education and training. If non-handicapped students under the age of six years are permitted to attend school in a particular district, then handicapped children of the same age in the same district are also entitled to attend school, and to receive whatever special education and related services they need.

What should I do if my child is exceptional?

If you think your child is exceptional, you should:

- REQUEST a full evaluation in his or her own native language by the district at no cost to you.
- REVIEW the results of the evaluation and all other relevant materials and records on your child.
- REQUEST a written notice of whether or not the district finds that your child is handicapped.

If you and the district agree that your child is exceptional, you have:

- The RIGHT to a free and appropriate program of education and to related services for your child, based on your child's needs and which will give your child the chance to make progress.
- The RIGHT to have an Individualized Education Program (IEP) designed for your child, describing the appropriate program (including its educational goals and objectives) and the related services that your child needs to benefit from the program.
- The RIGHT to participate, [illegible] conference with district officials, in the development of your child's IEP.
- The RIGHT to have your child's IEP reviewed by the district and, if appropriate, revised annually or more often at your request.
- The RIGHT to have your child re-evaluated by the district at least once every two years.

If you and the district disagree on the need to evaluate your child, or on the existence or kind of exceptionality your child may have, or on the present or recommended IEP or placement of your child, you have:

- The RIGHT to request a pre-hearing conference (PHC) and to have the PHC scheduled within 10 days of your written request.
- The RIGHT, if you are dissatisfied with the results of the PHC, to request a hearing before an independent hearing officer.
- The RIGHT to appeal, within certain time periods, to the secretary of education and thereafter in court, should you be dissatisfied with the hearing officer's decision.

The Special Committee on the Legal Rights of Exceptional Children Can Provide Assistance . . .

The committee, which consists of lawyers from across the state concerned about the special needs of handicapped and gifted children, was created to identify and respond to the legal needs of exceptional children and their families, to ensure that children and their families obtain information and assistance in securing special services, and to provide technical assistance to parents and advocacy groups.

The committee has recruited and trained lawyers throughout Pennsylvania to serve in the **"Exceptional Children's Referral Network,"** which provides lists of participating lawyers who have offices in each caller's area.

The committee has also organized a **"Legal Rights of Exceptional Children Speakers' Panel,"** which provides volunteer speakers for parents groups, health care providers and others concerned with the legal rights and needs of exceptional and gifted children.

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INDEX TO FACTSHEETS

PARENTS INVOLVED NETWORK
1211 CHESTNUT STREET, 11TH FLOOR, PHILADELPHIA, PA 19107, 215-751-1800, 1-800-688-4226

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❑ FACTSHEET 2	MENTAL HEALTH PROFESSIONALS
❑ FACTSHEET 3	QUESTIONS TO ASK WHEN YOU MEET YOUR CHILD'S THERAPIST
❑ FACTSHEET 4	DIFFERENT APPROACHES TO TREATMENT OF CHILDREN
❑ FACTSHEET 5	TYPES OF PSYCHOLOGICAL EVALUATIONS
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❑ FACTSHEET 17	SOME TIPS IF YOU ARE TRYING TO RESOLVE A PROBLEM WITH AN AGENCY
❑ FACTSHEET 18	WRAPAROUND -- A GUIDE FOR FAMILIES
❑ FACTSHEET 19	ADVOCACY IS...ADVOCACY IS NOT
❑ FACTSHEET 20	SUMMARY OF COURT DECISIONS WITH IMPLICATIONS FOR CHILDREN'S MENTAL HEALTH SERVICES
❑ FACTSHEET 21	RESOURCES (Includes reading list, state and national advocacy and information organizations, and national research and training centers (2 pages)

To order, check the appropriate boxes and return with a **stamped*, self-addressed** envelope to
PIN Resource Center
1211 Chestnut Street, 11th Floor
Philadelphia, PA 19107

***Postage**
From 1- 2 pages - postage is $ .32
From 3- 5 pages - postage is $ .55
From 6-10 pages - postage is $ .78
From 11-15 pages - postage is $1.01
From 15-20 pages - postage is $1.24
From 21-25 pages - postage is $1.47
From 25-29 pages - postage is $1.70** (**Postage for a full set of Fact Sheets.)

April 1998

SHARING... A newsletter from Parents Involved Network

PIN Parents Involved Network

A self-help/advocacy, information and training resource for parents of children and adolescents who have emotional problems

SEPTEMBER/OCTOBER 1990 Vol VI No. 5 Philadelphia, PA 215-735-2465

PIN HOLDS FIRST COPING SKILLS WORKSHOP SERIES

The first Philadelphia Parents Involved Network Coping Skills Workshop started September 25, 1990. This 12-week pilot workshop series was developed as part of the two-year grant received from The Pew Charitable Trusts. The workshop series is designed to give parents the skills, information and support to cope more effectively with their child who has an emotional/behavioral problem. The pilot series is being held at The Institute of the Pennsylvania Hospital, Philadelphia.

The PIN Coping Skills Workshop Series evolved out of an unmet need expressed by parents who identified that everyday coping skills were not part of most treatment modalities. The Coping Skills Workshop is unique because materials and curriculum were jointly developed and presented by a mental health professional and a parent of a child with emotional/behavioral problems.

The first workshop series was developed for parents of children under twelve years old. It is anticipated that a second series geared to parents of children from 12 to 18 years old will start early next year. For additional information, contact Dwane Dykes, 735-2465.

* * * * * * *

CONGRATULATIONS PIN OF PA RECEIVES NIMH GRANT

We are pleased to announce that PIN of PA, the recently formed statewide, parent-run organization focused on children's mental health issues has been awarded a one-year grant (renewable for a second year) from the National Institute of Mental Health (NIMH) to expand the statewide organization. Pennsylvania was one of 15 states to receive this grant.

The grant will allow the organization to hire a part-time coordinator and part-time regional contact people. The grant also provides for
-the establishment of an inexpensive two-way communication mechanism for families and the local, regional and state PIN of PA representatives;
-the development of comprehensive information and referral data on availability of support groups and services needed by children with emotional problems and their families; and
-the collection and dissemination of information on the status of local groups, training and education opportunities and legislative and state planning processes.

The PIN of PA expansion activities will provide a much needed resource for parents in Pennsylvania. Information will be disseminated statewide as these services are developed.

* * * * * *

PROMOTING COLLABORATION BETWEEN PARENTS AND PROFESSIONALS

by Anthony Rostain, M.D.

Dr. Rostain is a child psychiatrist and pediatrician. He is Medical Director of the consultation liaison psychiatry service from Philadelphia Child Guidance Clinic to Children's Hospital of Philadelphia and is co-director of the Attention-Deficit Hyperactivity Disorder Evaluation and Treatment Program. The following article is based on a talk Dr. Rostain gave in May 1990 at a Center City PIN meeting.

Effective collaboration between parents and mental health professionals requires mutual respect, clear communication and sustained involvement. Unfortunately, parents and professionals often encounter one another in oppositional relationships under stress circumstances. In order to

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PARENTS INVOLVED NETWORK
A self-help/advocacy information and training resource
for parents of children and adolescents who have emotional problems
1211 Chestnut Street, 11th Floor, Philadelphia, PA 19107, 215-751-1800, 1-800-688-4226

SELECTED ADVOCACY AND REFERRAL RESOURCES FOR CHILDREN

Child Assist Network.....1-800-359-0800
A Regional Referral Center of Philadelphia Child Guidance Clinic which matches service needs of children/adolescents with Delaware Valley service providers.

Disabilities Law Project.....215-238-8070
Provides free legal assistance to children and adults who are developmentally disabled, including children with serious mental health problems, in cases involving discrimination on the basis of handicap or access to services.

Education Law Center.....215-238-6970
Provides advice and direct legal representation in all educational issues affecting children including special education. Publishes a manual, *The Right to Special Education in Pennsylvania*, which explains the special education process and is free to parents. This is available in English or Spanish.

The Health Law Project.....717-236-6310 in Harrisburg or, 1-800-274-3258
Advocates for access to consumer-directed health services for persons with disabilities. Provides information about the Medical Assistance application process.

Juvenile Law Center.....215-625-0551, 1-800-875-8887
Provides free legal representation to a limited number of children who are subject to proceedings under the Juvenile Act (dependent or delinquent)

Parent Education Network 1-800-522-5827
Provides technical assistance, consultation and referral for assistance about special education within parents' area.

Parents Involved Network.....215-751-1800, 1-800-688-4226
A self-help/advocacy, information and referral resource for parents of children and adolescents who have emotional or behavioral disorders.

Parents Union for Public Schools 546-1212
Provides information about education in Philadelphia Public Schools and special education advocacy

Pennsylvania Protection and Advocacy.....1-800-692-7443
A statewide advocacy organization which provides information and advocacy services for persons with disabilities.

A BRIEF FACT SHEET ON YOUR RIGHTS CONCERNING SCHOOL RECORDS

YOU HAVE THE RIGHT TO SEE YOUR OR YOUR CHILD'S SCHOOL RECORDS

Parents or guardians of students under 18 years of age have the right to see their child's records. Present or former students aged 18 or older have the right to see their own records. 'Records' include most information concerning the student except personal notes kept by an individual school employee for his or her private use only.

Send a letter to the office where the records are kept. (Current records are usually kept at school. To find out where past records are kept, call the school or your school district office.) Make sure to keep a copy of the letter for yourself.

You have the right to see the records within 45 days of your request or sooner if your child is a handicapped or gifted student. (See below.) School officials must also assist you if you need help in understanding the records.

Copies of the records must be provided to you if there is no other practical way for you t examine the records. You may be charged for copying costs, unless you are unable to pay such a fee, but cannot be charged for finding the records.

YOU HAVE THE RIGHT TO REQUEST THAT SCHOOL RECORDS BE AMENDED OR CORRECTED

If you find that the records are inaccurate or misleading, or that they violate your or your child's privacy, you may request that the records be amended. Your request should be in writing. If school officials refuse your request, you have the right to a hearing. After the hearing, school officials must either amend the records or allow you to put a statement in the records explaining your objections.

YOU HAVE THE RIGHT TO HAVE SCHOOL RECORDS KEPT PRIVATE

The school system must obtain your consent before providing school records to persons outside the school system. However, your consent is not required before sending the records to another school system where the student has enrolled or has asked to enroll.

IF YOUR CHILD IS HANDICAPPED OR GIFTED, YOU HAVE CERTAIN ADDITIONAL RIGHTS

You have the right to see the records within 30 days of your written request, or sooner if you have an IEP conference or due process hearing scheduled.

IF YOUR SCHOOL DISTRICT REFUSES TO COMPLY WITH THESE REQUIREMENTS, YOU CAN FILE A COMPLAINT

The federal laws that give parents and students these rights also give you a place to which to complain if these laws are violated. Just send a letter explaining the problem to: Family Policy & Regulations Office, U.S. Department of Education, Washington, D.C. 20202.

If the student is handicapped or gifted, you can also write to the Division of Regional Review, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, which must respond within sixty (60) days. You can contact DRR at 717-783-6913 to get a copy of a form complaint.

IF YOU HAVE A PROBLEM OR NEED FURTHER INFORMATION, CALL THE EDUCATION LAW CENTER AT (215) 238-6970.

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EIGHT COMMON 'MYTHS' ABOUT THE SPECIAL EDUCATION LAWS

1. **MYTH:** Your child can't get special education services because there's a waiting list.

FACT: 'Waiting lists' for special education are illegal. Of course, your School District is permitted to take a reasonable time to evaluate your child, to decide whether special education is needed, and to make the necessary services available. However, no child should remain waiting for services for a long period. If your child is in such a situation, you can request a due process hearing. Such a request should be made, in writing, to the District. You may also send a complaint to the Division of Regional Review (DRR), Bureau of Special Education, Pennsylvania Dept. of Education, 333 Market St., Harrisburg PA 17108. DRR will investigate and (hopefully) resolve the complaint within 60 days. (See, ELC's manual, 'The Right to Special Education in Pennsylvania: A Guide for Parents,' at pp. 38-51 for more information on hearings and DRR complaints.)

2. **MYTH:** Your child needs a type of program or placement that isn't offered by your School District, so he or she will have to take what's available instead.

FACT: Your child has the legal right to a program that is suited to his or her individual needs, and in which he or she can make educational progress. If the District doesn't have such a program, it must take steps to make one available -- even if that involves special arrangements or extra expense.

3. **MYTH:** Your child can't have physical (or occupational or speech) therapy because the District doesn't have a therapist available to provide the service.

FACT: A child is entitled to the 'related services' (such as physical, occupational, and speech therapy, psychological counseling, specialized transportation, and so forth) that are needed to assist the child to benefit from his or her special education program. If the District doesn't have the necessary personnel, it must hire them or 'contract out' for the service.

Remember, however, that the District must provide only those 'related services' that are needed to assist the child to benefit from his or her educational program, as set forth on the Individualized Education Program (IEP). If the therapy is not related to the child's educational program, the District is not required to provide it.

4. **MYTH:** Your child isn't capable of handling the vocational education program offered by the District or the Vocational-Technical School, so he or she can't have vocational education.

FACT: Handicapped children, like other children, are legally entitled to vocational education. If the vocational program that is offered to non-handicapped children at District facilities or at the Vocational-Technical School could, with modifications, be made appropriate for your child, the modifications must be made. If not, another program appropriate for your child must be provided.

5. **MYTH:** Your child is severely handicapped, so he or she must be placed in a special 'center' for handicapped children or in a private school.

FACT: Not necessarily. Your child must be educated with non-handicapped children to the maximum extent appropriate. This means that if your child could receive the services on his or her IEP in a regular school, the program must be

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offered there. Moreover, if your child could be educated with non-handicapped children for part or all of the school day, the District must so specify on the IEP and must ensure that such "mainstreaming" occurs.

Only if your child's IEP cannot be carried out appropriately in a regular school should a special school be considered. First preference in such cases is for a special school operated by the District or Intermediate Unit. However, if the IEP cannot be provided in such a facility, the District must offer the child a placement in an approved private school.

Remember that the District is required to use an approved private school only if the child's program, as stated on the IEP, cannot be provided in a District or Intermediate Unit facility.

6. MYTH: You've already approved your child's Notice of Recommended Assignment (NORA) and IEP. Therefore, you must wait till next year to request a change in your child's program or placement, or to obtain a due process hearing.

FACT: Even if you approved the NORA and IEP, the law provides that you may at any time request a change in your child's program or placement. (You can also request additional evaluations at any time.) The District must then notify you either that it is willing to make the change or that it is not willing to do so.

If the District will not make the change that you request, you have a right to a due process hearing. No matter what you sign, you never lose or "waive" your right to due process.

7. MYTH: You disagree with the program or placement that the District has proposed for your child, so you shouldn't sign the IEP or NORA.

FACT: On the contrary -- you should immediately check "I disapprove," then sign and return the IEP or NORA. To take no action, or to take action too late, is, in most cases, the same as approving the program and placement.

Even if you don't receive a form to sign and return, you should send the District a letter if you disagree with a proposed IEP or placement.

8. MYTH: The District has decided that your child no longer needs one of the services or activities listed on the IEP, so the service will be terminated.

FACT: The District must give you written notice of any proposal to change any aspect of the child's IEP or placement. If, after receiving the notice, you object in writing, a due process hearing must be scheduled.

If you have objected in writing, the proposed change cannot take place until the Hearing Officer has issued a decision (or, if appeals are taken from the decision, until all appeals have been completed). Even then, of course, the proposed change can be made only if the final decision is in the District's favor.

For further information, contact:
Education Law Center
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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EXTENDED SCHOOL YEAR PROGRAMS -
Questions and Answers

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What is an Extended School Year (ESY) program?

An ESY program is a special education program offered during the summer or at other times when school is usually not in session. ESY programs are for children with disabilities who, if they did not have the program, would lose skills during breaks in school sessions and have difficulty catching up later.

Who is eligible for an ESY program?

A child may be eligible for ESY if he or she is likely to:

- lose skills ('regress') during breaks in schooling, and
- have difficulty in quickly regaining the lost skills ('recouping') after the break is over.

The skills that the child is expected to lose must be among those listed on his or her IEP, and must involve the child's ability to function independently.

Most, but not all, children found eligible for ESY are individuals with severe disabilities such as a severe emotional problem, severe mental retardation, or autism.

How and when can I have my child considered for ESY?

If your child has severe mental retardation, autism, severe multi-handicaps, or a severe emotional disturbance, he or she must be considered for ESY each year by your local school district. This may happen at the regular IEP conference or at a separate IEP conference set up to discuss ESY. Either way, you must be invited to the conference, which must be held by February 28. By March 31, the district must send you a NORA (Notice of Recommended Assignment) form, informing you of its decision concerning whether your child is eligible and, if so, what type of program he or she will receive.

If your child does not have one of the disabilities listed above, you can still have him or her considered for ESY. Just ask that your child's eligibility for ESY be discussed at the IEP conference. If the regular conference has already taken place, you can ask for a separate IEP conference concerning ESY. After the conference, the district must give you a NORA indicating its decision about whether the child is eligible and, if so, the type of program to be provided.

If your school district does not agree to consider your child for ESY or does not follow these rules, you may send a complaint to the Division of Regional Review, Bureau of Special Education, PA Department of Education, 333 Market St., Harrisburg, PA 17126-0333, telephone (717) 783-6913.

What information must be considered in deciding whether the child is eligible?

Useful information can include the views of teachers and parents and the opinions of professionals who are familiar with or who have evaluated the [illegible] has collected data concerning how the child did before

and after breaks in program, that can be useful too. However, even if 'hard data' does not exist, or the data does not seem to show regression problems, a child may be eligible for ESY if there is other information indicating that the child may lose skills during breaks and have serious difficulty catching up later.

If my child is eligible, where are ESY services provided, and how much service must he or she receive?

ESY programs are usually offered at local schools, IU facilities, and approved private schools. The program must be for enough time to deal with the child's regression problem. There is no fixed type of placement or amount of time that is right for every child; if you disagree with the district's proposal for <u>your</u> child, see below.

The ESY program must be described on the child's IEP. If the child needs related services (such as physical therapy or transportation), these must be included. Services must be free.

What if my school district finds my child ineligible, or disagrees with me about the type or amount of services he or she should get?

You can do either or both of the following:

* Try to resolve the disagreement with the help of a trained 'mediator.' To find out about mediation, see ELC's manual, 'The Right to Special Education,' pp. 42-43, or call 1-800-992-4334.

* Request a 'prehearing conference' and/or a 'due process hearing.' For more information, see ELC's manual, pp. 38-49 and 62-63.

If my child was in an ESY program last summer, does he or she have the right to the same program this summer?

Unless you agree that the program should be changed or discontinued, or a hearing officer decides that a change should be made, your child has a right to the same program again this year. If your district refuses to follow this rule, send a complaint to the Division of Regional Review (see address above).

For further information:

Education Law Center
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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RIGHT to [redacted] n writing a "DUE ESS HEARIN. At the hearing, you have d to present witnesses and question the ses presented by school officials; to have orney or advocate help you; and other dural rights. An impartial hearing officer to both sides and then issues a written on within 45 days from your hearing st, unless you have agreed to a longer time. ay appeal the hearing officer's decision if sagree with it. During the hearing process, child stays in the same program and ment that was in effect when the hearing st was made.

RIGHT to be reimbursed for your attorney's and costs if you win all or part of your case. does not apply to cases concerning gifted ren.

OU AGREE WITH YOUR CHILD'S IEP AND GRAM, BUT THE SERVICES ARE NOT NG PROVIDED; *or*

YOU BELIEVE SCHOOL OFFICIALS ARE T FOLLOWING THE LAW,

U HAVE:

E RIGHT to file a written complaint with the a's Division of Compliance. Send them a letter scribing the situation. A special education visor must investigate your complaint and issue written report within 60 days. The address is: ision of Compliance, Bureau of Special ucation, 333 Market Street, Harrisburg, PA 26 0333

E EDUCATION LAW CENTER - PA
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For more information on [redacted] your child's rights to special educa[redacted], contact a parent advocacy group in your area, your Right To Education Local Task Force or one of the following state-wide organizations:

ARC OF PENNSYLVANIA
123 Forster Street
Harrisburg, PA 17102
(000) 692-7258

PA PROTECTION & ADVOCACY, INC.
Suite 102
116 Pine Street
Harrisburg, PA 17101
(000) 692-7443

PARENT EDUCATION NETWORK
333 E. 7th Avenue
York, PA 17404
(000) 522-6827

THE EDUCATION LAW CENTER - PA
Suite 610
801 Arch Street
Philadelphia, PA 19107
(215) 238-6970

THE EDUCATION LAW CENTER - PA
1708 Law & Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219
(412) 391-5225

You may also be entitled to certain services from your local Mental Health/Mental Retardation Center. Check the blue pages of your phone book for the Center nearest you.

Funding for the development and distribution of this brochure was obtained by ELC PA, in part, under a contract with PA Protection & Advocacy, Inc., pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 94-103.

YOUR RIGHTS TO SPECIAL EDUCATION IN PENNSYLVANIA

THE EDUCATION LAW CENTER - PA

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IF YOU [redacted] YOUR CHILD HAS A DISABILITY, OR IS GIFTED, AND NEEDS SPECIAL EDUCATION SERVICES, YOU HAVE:

THE RIGHT to request a free evaluation of your child, in the child's native language, by a team of specialists. Your request should be in writing, be directed to the principal and should give your consent for the evaluation to take place.

THE RIGHT to participate in the evaluation process and to have all needed evaluations completed within 45 days after you've given your consent for the evaluations.

THE RIGHT to refuse your consent to an initial evaluation being proposed by school officials.

THE RIGHT, if you think your child has a disability and you disagree with the district's evaluation, to ask the district to pay for an evaluation of your child by someone outside the education system. The district must either agree to your request, or prove to a Hearing Officer that its evaluation is appropriate.

THE RIGHT to have the results of any independent evaluations considered, whether the evaluations were paid for by you or by the district.

THE RIGHT to be part of the Team that reviews the conclusions and recommendations of the evaluations and to agree or disagree with them. A final typed evaluation report must be given to you within 60 school days of your consent for the evaluation.

THE RIGHT to have your child re-evaluated by the district at least once every two years or more often if you request.

IF YOU AND THE [redacted]RICT AGREE THAT YOUR CHILD NEEDS SPECIAL EDUCATION, YOU HAVE:

THE RIGHT to a free appropriate program of special education and related services for your child which is based on your child's needs as identified by the evaluation process. The program must give your child the chance to make meaningful and reasonable progress in view of your child's abilities.

THE RIGHT to have a written Individualized Education Program (IEP) for your child which describes the special instruction your child needs in order to learn, and the related services your child needs to benefit from the program.

THE RIGHT to be a part of the team that develops the IEP at a school conference; or, if you are unable to attend a conference, to participate by phone.

THE RIGHT, if your child has a disability and is age 16 or over, to have a "Transition Plan" as part of the IEP. The Transition plan must describe the services needed for your child to prepare for adult life.

THE RIGHT to have the needed special education services provided to your child in a regular education class and school unless your child's needs demand otherwise.

THE RIGHT to have the IEP completed within 20 school days after the evaluation report is issued, and to have the IEP implemented not later than 10 school days after you've approved it.

THE RIGHT to have the IEP reviewed and, when necessary, revised at least once a year or more often if you request an earlier review.

IF YOU AND THE DISTRICT DISAGREE AS TO

- THE NEED TO EVALUATE OR RE-EVALUATE YOUR CHILD, OR THE TYPES OF EVALUATIONS THAT SHOULD BE DONE; *or*

- THE TYPE OF PROBLEMS OR NEEDS YOUR CHILD HAS; *or*

- THE CURRENT OR RECOMMENDED PROGRAM AND SERVICES FOR YOUR CHILD; *or*

- WHERE YOUR CHILD WILL RECEIVE THE SPECIAL EDUCATION PROGRAM AND SERVICES,

YOU HAVE:

THE RIGHT to request a "PRE-HEARING CONFERENCE" (PHC) to discuss your disagreements with school officials. You should always make a request for a pre-hearing conference *in writing*. The PHC must be held within 10 days of your request. The PHC is voluntary: if you'd prefer, you have the right to go directly to a hearing.

THE RIGHT to request "MEDIATION." This is also voluntary on your part and on the part of the district. If you both agree to use mediation, a trained mediator will be assigned to work with you and the district to see if an agreement can be reached. You can begin the mediation process by calling the Special Ed Mediation System (SEMS) at 1-800-992-4334. If mediation does not resolve all your concerns, you may still request a hearing.

Continued.....

SPECIAL EDUCATION RIGHTS IN PENNSYLVANIA

IF YOUR CHILD HAS A DISABILITY, OR IF YOU THINK YOUR CHILD MAY HAVE A DISABILITY, YOU HAVE

THE RIGHT to request a free evaluation in his/her native language by the District at no cost to you.

THE RIGHT to review the results of the evaluation and all other relevant materials and records on your child.

THE RIGHT to ask the District to pay for an independent evaluation of your child. The District must either agree to the request or must prove to a Hearing Officer that its evaluation is appropriate.

THE RIGHT to have the results of any independent evaluations considered by the District (whether the evaluations were paid for by you or by the District).

THE RIGHT to written notice of whether or not the District agrees that your child needs special education.

IF YOU AND THE DISTRICT AGREE THAT YOUR CHILD NEEDS SPECIAL EDUCATION, YOU HAVE:

THE RIGHT to a free appropriate program of education and related services for your child which is based on your child's needs and which will give your child the chance to make reasonable progress.

THE RIGHT to have an Individualized Education Program (IEP) developed for your child which describes the services your child will get, including educational goals and objectives, and the related services which your child needs to benefit from the program.

THE RIGHT to participate at a conference with District officials in the development of the IEP.

THE RIGHT to have the IEP reviewed by the District, and if appropriate, revised annually, or more often at your request.

THE RIGHT to have your child re-evaluated by the District every two years, or more often at your request.

IF YOU AND THE DISTRICT DISAGREE AS TO THE NEED TO EVALUATE YOUR CHILD, OR THE TYPE OR DEGREE OF DISABILITY YOUR CHILD MAY HAVE, OR THE PRESENT OR RECOMMENDED IEP OR PLACEMENT OF YOU CHILD, YOU CAN:

- Ask for a 'mediation session.' This is a meeting with a trained 'mediator' who is not connected with the school system. The mediator will help you and the school try to work out an agreement concerning changes in your child's program or placement. There is no charge for using the mediation service, and you will not be required to agree to any chang that you don't like. To find out about mediation, see our Guide, pages 42-43, or call 1-800-992-4334.

- Send the principal a letter requesting a 'prehearing conference.' This is a meeting with school officials only. For more information on prehearing conferences, see our Guide, pages 39-42.

- Request (in writing) a 'due process hearing.' This is a legal procedure that can take some time. It is conducted by a hearing officer, who will decide whether your child's program or placement should be changed and, if so, how. For more information, see our Guide, pages 43-49.

ALL NOTICES TO YOU FROM THE DISTRICT MUST BE WRITTEN IN THE LANGUAGE YOU NORMALLY USE

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SOME 'HOW TO DO ITS' FOR PARENTS OF HANDICAPPED CHILDREN IN PENNSYLVANIA

IF YOU WANT YOUR CHILD TO BE CONSIDERED FOR SPECIAL EDUCATION BECAUSE OF HIS OR HER S[illegible] LEARNING NEEDS:

WRITE to the principal of your child's school explaining why you believe your child needs special education and requesting an evaluation of your child. Send a copy to the Special Education Supervisor for your District and keep a copy for yourself.

IF YOU HAVE REQUESTED AN EVALUATION OF YOUR CHILD, BUT NO EVALUATION HAS TAKEN PLACE AFTER SEVERAL WEEKS:

CONTACT the principal or counselor and discuss the matter. If this does not resolve the problem, you should

WRITE to the principal requesting a 'pre-hearing conference.' Send a copy of your letter to the Special Education Supervisor for your District and keep a copy for yourself.

School officials must let you know within ten (10) days when the pre-hearing conference will be held. If things aren't worked out at the conference, you may request a Due Process Hearing. The evaluation will almost certainly be done soon after your reques[illegible]

IF YOUR CHILD IS ALREADY IN SPECIAL EDUCATION, BUT YOU WANT HIS OR HER PROGRAM OR PLACEME[illegible] CHANGED IN SOME WAY:

WRITE to the principal and explain what you want changed. Or, if you feel a change is needed but you're not sure what to suggest, you may

WRITE requesting further evaluations of your child's progress.

If the District will not make the change that you request, or will not perform further evaluations of your child, you should request a pre-hearing conference (see above

IF YOUR CHILD'S SCHOOL IS NOT PROVIDING THE SERVICES LISTED ON HIS OR HER IEP:

CONTACT the principal and ask that your child receive all the services listed on th[illegible] IEP. If the problem continues, you may:

WRITE to the Division of Regional Review, Bureau of Special Education, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17108. This office should investigate your complaint and issue a decision within approximately sixty (60) days.

FOR FURTHER INFORMATION AND ADVICE ON THESE PROBLEMS, CALL OR WRITE:

Education Law Center, Inc.
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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WHAT TO DO IF YOU'RE NOT SATISFIED WITH YOUR CHILD'S SPECIAL EDUCATION PROGRAM OR PLACEMENT

1. Try to figure out what's wrong and make a list of the specific changes you would like to see.

If you think you need more information in order to do this, you can:

* Talk with your child's teacher.

* Observe your child's class.

* Request that the school system do a re-evaluation of your child's educational needs.

* Get an "independent" evaluation of your child's needs, from a professional who is not connected with the school system. (For more information, see our Guide for Parents at pages 15-17.)

2. Request a meeting with school personnel. Ask them for their suggestions for changes, and find out if they are willing to make the changes that you think are needed.

3. If you still aren't satisfied, there are three more things you can do. You can do any or all of them.

* Ask for a "mediation session." This is a meeting with a trained "mediator" who is not connected with the school system. The mediator will help you and the school try to work out an agreement concerning changes in your child's program or placement. There is no charge for using the mediation service, and you will not be required to agree to any change that you don't like. To find out about mediation, see our Guide, pages 42-43, or call 1-800-992-4334.

* Send the principal a letter requesting a "prehearing conference." This is a meeting with school officials only. For more information on prehearing conferences, see our Guide, pages 39-42.

* Request (in writing) a "due process hearing." This is a legal procedure that can take some time. It is conducted by a hearing officer, who will decide whether your child's program or placement should be changed and, if so, how. For more information, see our Guide, pages 43-49.

Education Law Center
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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THE RIGHTS OF STUDENTS WITH PHYSICAL OR HEALTH IMPAIRMENTS WHO DO NOT NEED SPECIAL EDUCATION

Some children may need special accommodations in school and yet not need formal "special education." These children can include those with epilepsy, asthma, diabetes, muscular dystrophy or other health or physical disabilities. The rights of children with physical or health impairments come from a Federal law, known as "Section 504 of the Rehabilitation Act of 1973" and State regulations, known as "Chapter 15."

1. What rights does my child have under Section 504 and Chapter 15? Under most circumstances, the School District must provide the modifications, accommodations and services that a child with a health or other disability needs to participate successfully in school. The District must also make sure that the child has equal access to school programs and activities, including extra-curricular clubs or programs, assemblies, lunch and field trips.

For example, a District might be required to make changes in a child's schedule to take account of a health need, dispense medication that a child might need during the school day, allow a child who uses a wheelchair to use the staff elevator, provide a desk or other equipment or material that is modified for the child's use, or provide assistance to the child for toileting or for traveling around the school building.

2. How do I get the services my child needs? If you believe your child needs this type of help to participate fully in school, you must *write* to your School District. In your letter, explain the type of assistance you believe is needed. If you have evaluations, instructions or prescriptions from a specialist, you should include copies of those with your request.

The School District must respond to you in writing within 25 school days. If the District agrees that the child needs the services you've requested, you and the District then develop a written "Service Agreement" which must state the services that will be provided.

If the School District believes it needs more information to decide whether to provide the requested services, it must ask you for the additional information and for permission to further evaluate your child.

3. What if the School District and I don't agree on the type or amount of services needed? If you and the School District disagree on whether your child needs services, or on the type and amount needed, you have several avenues available. You can use any or all of these steps.

YOU CAN request an informal conference with School District officials by sending a written request to the principal or superintendent. Within 10 days of receiving your request, the District must hold an informal conference to try to resolve the disagreement.

YOU CAN request a formal "due process" hearing by sending a written request to your superintendent if the problems are not worked out at the informal conference. These hearings are similar to the ones available to special education students.

YOU CAN file a complaint by sending a letter explaining the situation to the federal Office for Civil Rights which is in charge of enforcing Section 504. Their address is: OCR, U.S. Department of Education, 3535 Market Street, Philadelphia, PA 19104.

YOU CAN file a lawsuit in federal court under certain circumstances. You should check with an attorney before doing this.

4. What if the School District does not comply with the Service Agreement or doesn't follow the required procedures or denies my child equal access to a school activity? In addition to the steps listed in #3 above, you may also send a written letter of complaint to the State Department of Education which will investigate the complaint and issue a ruling, usually within 60 calendar days. You may write to the Department at: Division of Compliance, Bureau of Special Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333.

THE STATE REGULATIONS KNOWN AS CHAPTER 15 BECAME FINAL IN FEBRUARY OF 1991. MANY SCHOOL DISTRICTS MAY NOT YET BE FAMILIAR WITH THE LAW'S REQUIREMENTS. IF YOUR CHILD'S PRINCIPAL IS UNAWARE OF THESE PROCEDURES, YOU MAY WISH TO CONTACT YOUR LOCAL SUPERINTENDENT OF SCHOOLS.

For more information, contact:

THE EDUCATION LAW CENTER - PA
Suite 610
801 Arch Street
Philadelphia, PA 19107
(215) 238-6970

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PARENT RIGHTS CHECKLIST

1. Have you seen your child's complete records?

   -If you think any parts are missing, ask the principal.

   -Are you allowed to make copies at a reasonable cost?

   -Are any confusing parts explained to you?

   -Are your rights to have parts of the record altered or amended explained to you?

   -If you have any complaints that cannot be resolved by school personnel, write your complaint to FERPA

2. Now that you have seen the complete record, are you satisfied that your child's problems HAVE been identified and properly assessed?

   -If not, ask the school for a <u>new assessment</u>.

   -If the school says no, ask for an impartial hearing at which you will request an evaluation.

   -Or, copy your child's records and take them to an expert for review if the school will not perform additional evaluation. If the records seem inadequate to the expert, obtain an independent evaluation and send the bill to the school.

   -If you are not satisfied with the results from any of the above, write the Right to Education Office (see below) with a copy to SEH (see below).

3. Have you participated in a meeting to develop an Individual Education Plan which will direct all services to your child?

   -If not, ask for an IEP meeting.

   -If the response is not satisfactory, send written report to the Right to Education Office and the State Department of Education, Division for the Education of the Handicapped (see below).

4. Are services to your child being offered in the least restrictive environment in which he can function?

   -Does your school offer special education placement alternatives

   a. in the regular classroom
   b. in the regular classroom, with special teachers brought in
   c. in a resource room part of the day
   d. in a special class all day but in the same school building
   e. home bound or hospital instruction
   f. referral to residential placement with your school system paying room, board, educational costs and transportation.

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PARENT RIGHTS CHECKLIST
(Cont'd)

-If the services are not being provided in the school your child will attend if not handicapped, does the IEP require that services be provided somewhere else?

-If the full range of alternatives are not available or if the services are not provided somewhere other than where the IEP requires, ask for an impartial hearing.

5. Is your child receiving the full array of services needed to benefit from special education?

-Are the following services available:

a. audiology
b. counseling
c. medical diagnostic services
d. occupational therapy
e. parent counseling and training
f. physical therapy
g. psychological services
h. school health services
i. social work services
j. speech pathology
k. transportation

-Are these services provided without cost?

-If you are not getting needed services, ask for an impartial hearing.

6. If you ask for an impartial hearing, are you informed in writing of your rights?

-Is the hearing held before an individual who is not an employee of the local school system?

-If you feel you are not receiving your rights, complain to the Grievance Office with copies to the State Department of the Division for the Education of the Handicapped and to OES and the Office for Civil Rights.

From: Advocacy Training Program, ACLD, Inc., 1982

Information sheet provided by:
Pennsylvania Association for Children and Adults With Learning Disabilities
Toomey Building
Box 208
Ovchland, PA 19480

6. What are the ages of the other children? I have seen children ages 4-12 grouped in a class. What are their disabilities? I saw a parent who was excited about a self-contained class of four but was shocked to learn it included one multihandicapped child, one emotionally disturbed child and one retarded child. What are their functional ranges? If everyone else functions below the level of your child, your child will not likely get needed attention and is unlikely to be taught at a level sufficiently stimulating to progress.

When you ask these questions about the other children do not be put off by the statement that the school cannot give you that information because it would violate the other childrens' right to privacy.

7. How does the proposed program differ from what your child has been in before or what you have been offered before? The school may have a new label for the program but it may be the same thing you observed last year and rejected.

8. Is the academic program that is being offered comparable to the school's regular academic program? Is your child being offered all the courses that a non-handicapped child of similar age or grade is offered? Is your child's day as long as everyone else's?

10. How is the instruction specially designed to meet your child's unique needs? If there is an auditory perception problem, how will that be addressed in each class and activity and by each instructional person with whom your child comes in contact? If the IEP was written prior to the meeting, or has mimeographed instructional objectives as I have seen frequently lately, there will probably be no special attention to your child's needs.

11. What related services are offered? Your child should receive training to overcome deficits so ask for auditory training, speech therapy or whatever else is appropriate. And there is no quota; your child is entitled to all the related services needed. When and how often will the services be offered: Will they be frequent enough to be useful? Will they be at the end of the day when your child is tired and cannot benefit? How many other children will be involved? Is it individual service or as part of a group? And what are the qualifications of the therapist? Has he performed this therapy with a child like yours?

12. If your child must leave the class to receive a special service, what is missed? I remember the first time I heard a school say to a client "Your child will receive speech therapy and auditory training. Now what do you want to substitute for them - social studies? Language arts?" The federal law provides for special education and related services, not special education or related services. If your child needs a full academic program and some additional services look for an extended day.

13. What other placement opportunities were considered for your child? The school may present a very attractive description of the proposed program but if it is the only one they have for a child of his handicap, that may suggest a problem. If all children with similar handicaps are automatically placed in this same placement then it is probably too restrictive (if your child gets in the placement that automatically it will be doubly hard to get out) and it is unlikely that your child will be treated individually. However, if there were legitimate alternative placements available, ask why there were rejected?

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YOU AND THE LAW
by Reed Martin, Esquire

The U.S. Department of Education has issued a notice of interpretation concerning the purpose, content, and development of individuallized education programs (IEPs) for handicapped children. (See Federal Register, Jan. 19, 1981, pp. 5460-5474.)

The document is intended to clear up the ambiguities found in the statue and regulations and create more uniform practice among states and local agencies who have previously interpreted various provisions of the law differently. The notice is also intended to provide technical assistance for the most effective implementation of the IEP requirements.

Twenty Things A Parent Should Look for in an I.E.P.

Parents often contact me after having had an IEP meeting and they are unsure what their child's program will be. A good IEP meeting should raise and answer certain basic questions. If the parent leaves the meeting unclear about what will actually happen, the chances are good the school personnel will also be unclear. That leaves little chance that the IEP will be implemented and a good chance the parent will eventually be dissatisfied and complain.

When I attend an IEP meeting I expect the basic elements required by statue to be covered (eg. annual goals, short term objectives). But in addition I seek information in twenty areas. If the information is forthcoming in general discussion at the IEP meeting, that is fine. Otherwise I start asking questions.

1. Where is your child at each minute of the day? Where does he go when he first arrives? How long does he stay there? Then where does he go? Only after I block out the entire day from arrival to departure, including recess, lunch, P.E., special services, can I see potential problems. Knowing that your child will be in the fourth grade tells you little. But learning that most of his classes will be in the temporary building out back and that he will have recess only after the non-handicapped children are back in class tells you a lot.

2. Has the teacher ever worked with a child like yours? "Licensed," "certified" and "qualified" don't mean anything to me if the teacher has never worked with a child with my client's specific type of learning disability.

3. Will an aide be available to increase individual attention? If so, what is the aide's training and what are the aide's other duties? Don't get excited when the school says your child's program will have an aide. You may later discover their only experience is in bilingual programs, their responsibilities are clerical, and they are on call for four classrooms. (And Don't think I made that example up.)

4. Does this program proposed for your child actually exist? Sometimes the elaborately described program exists only on paper. If you agree to it, it will supposedly be created for your child. You should accept that only if your experiance leads you to trust the school district. However, if the program does currently exist, you should go observe it before signing the IEP.

5. How many children are in your child's class at one time? I was once told my client would be in a self-contained class of four. On observation I discovered that as many as twelve more children would come into the class as a resource room. The school maintained they were not part of the class since they were not there all day long.

QUESTIONS AND ANSWERS ON SCHOOL DISCIPLINE FOR CHILDREN WITH DISABILITIES

1. Can a child with disabilities be suspended from a school district or intermediate unit (IU) program?

If the child has mental retardation, he/she can be suspended only if the parent agrees or the District or IU gets special permission from the Department of Education in Harrisburg. Permission cannot be granted for a suspension of more than ten days.

If the child has a disability other than mental retardation, he or she can be suspended for a maximum of ten days (except in Philadelphia, where the limit is five days).

2. What rights do the child and parent have when the school district or IU suspends the child?

The school must notify the child and parents in writing about the suspension and the reasons for the suspension decision. If the suspension is for more than three days, the school must also hold an informal "hearing" during the first five days of the suspension to discuss the situation with the student and parent.

At the hearing, the student and parents have the right to question any school staff who are present, and also to speak and bring witnesses of their own.

3. Do school officials have to allow the child to make up work missed during a suspension?

Yes.

4. Can an approved private school suspend a child?

Before a child in an approved private school can be suspended for any amount of time, the parent's consent must be obtained. If the parent does not consent, the child's home school district may ask for a special education "due process hearing." The child then cannot be suspended unless the hearing officer (or, if there is an appeal, the appeal official or court) approves. See our guide for parents, "The Right to Special Education in Pennsylvania," for more information concerning due process hearings.

5. Can a child with a disability ever be suspended for more than ten days at one time, or expelled from school?

Regardless of the child's placement, he or she cannot be suspended for more than ten days (five in Philadelphia) or expelled without the parent's consent. If the parent refuses consent, school officials can request a special education due process hearing. Note that a due process hearing is conducted by a hearing officer appointed by the state -- not by the local school board.

If a hearing is held, the decision on suspension or expulsion is up to the hearing officer, whose order can also be appealed. See our guide for more information on due process hearings.

During the time that it takes to have the hearing and complete any appeals, the child may not be excluded from school unless school officials file suit in court and the judge agrees that the child should be excluded.

6. Can the child be assigned to "homebound instruction" because of behavior problems?

Only if the parent agrees. If the parent disagrees, school officials can ask for a due process hearing to decide whether the child should be assigned to "homebound." The child cannot be assigned to homebound until the hearing and appeal process is completed and a decision is made that the child should be educated at home.

7. If the child is assigned to "homebound," how much instruction can he or she receive?

The minimum is five hours per week. Parents have a right to request more than the minimum. If the school district disagrees, the parents can request a due process hearing.

8. Can a school district or IU keep suspending a child over and over again?

A child with disabilities cannot be suspended for more than a total of 15 school days in any one school year unless the district issues a written notice to the parents asking them to agree to the suspension. If the parents do not agree, a due process hearing must be scheduled. The hearing officer then decides if the suspension should take place and/or if changes are needed in the youngster's program.

Remember that there are special rules on suspensions for children with mental retardation. See ¶1.

9. Can a child be excluded from bus transportation for disciplinary reasons?

Excluding a child from the bus for disciplinary reasons is considered a suspension or, if longer than 10 days, an expulsion. Therefore, all of the rules set forth in the preceding paragraphs apply.

10. What rules apply to in-school suspensions?

Before any in-school suspension, the child must be informed of the reasons and given an opportunity to discuss his or her conduct. Parents must be informed, and must be given an opportunity for an "informal hearing" if the in-school suspension is to last more than 10 days. During any in-school suspension, the student must continue to receive an education.

If the child has been excluded from his or her educational program as set out in the IEP for more than 15 days in any given school year, the same rules apply as with out-of-school suspensions.

11. Are there rules concerning behavior modification procedures, "time out rooms," isolation areas, and the like?

Students who exhibit behavioral problems which interfere with their learning must have a behavior management program in their IEPs. These behavior programs must be based on positive, rather than negative, measures and must use the least intrusive and the least restrictive methods possible. Corporal punishment, locked rooms, demeaning treatment and noxious substances cannot be used.

If school officials do not follow these rules, parents may send a letter of complaint to the Division of Regional Review, Bureau of Special Education, PA Department of Education, 333 Market St., Harrisburg, PA 17126-0333, telephone (717) 783-6913.

12. What else can parents do concerning discipline of a child with a disability?

Parents can request that the school use special procedures in dealing with the child's behavior. The parent should recommend whatever procedures seem appropriate, including (for example) a behavior modification program using "positive reinforcements;" help from the teacher in discussing and dealing with emotional problems; regular contact with the guidance counselor or psychologist; a procedure for dealing with crises; or any other measures that seem required. Parents may wish to consult a psychologist or other professional for specific ideas

and proposals. In fact, the district must include a behavior management program in the IEPs of all students with behavior problems.

If school officials agree to the parents' request(s), the procedures that have been agreed upon should be written down and included in the child's IEP.

If school officials do not agree, or are unwilling to include the agreed-upon procedures in the IEP, the parent has the right to request a special education hearing.

The parent also has the right to ask for a "mediation session." This is an informal meeting with a trained "mediator" who is not connected with the school system. The mediator will help the parent and school try to work out an agreement. For more information, contact the office of Special Education Mediation Services (telephone 1-800-992-4334).

See our guide for parents for information on due process hearings and mediation.

For more information:

Education Law Center
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

October 1990

RELATED SERVICES

WHAT ARE RELATED SERVICES?

Related services are services that are needed to help a child with a disability benefit from special education. Some examples of related services are transportation, physical therapy, occupational therapy, and psychological services.

CAN RELATED SERVICES INCLUDE MEDICAL SERVICES?

Related services do not include direct, on-going medical services that must be provided by a licensed physician. However, related services do include medical services that are necessary to diagnose a child's impairment, determine the child's need for special education or determine the type and amount of related services needed. Related services also includes services that can be provided by a school nurse, such as the administration of medication.

HOW CAN I BE SURE THAT MY CHILD RECEIVES NEEDED RELATED SERVICES?

Be sure that the related services your child needs are listed on the child's Individualized Education Program (IEP). The IEP should include the name of the service (for example, 'physical therapy'); the type of service needed (for example, 'direct' or 'consultative'), and how often and for how long it should be provided (for example, three 45-minute periods a week). Your District must then provide all services listed. If the District fails to provide the services listed on the IEP, you should send a letter to Division of Regional Review, 333 Market Street, Harrisburg, Pennsylvania 17108, explaining the problem.

IF I THINK MY CHILD NEEDS A RELATED SERVICE, HOW DO I GO ABOUT GETTING IT?

You should ask, in writing, that the district evaluate your child to determine if he or she is eligible for the service. If you are dissatisfied with the district's evaluation results, you may request that the district pay for an outside evaluation. Should the district turn down your request, you may ask a hearing officer to order the district to pay for the outside evaluation. The district must take account of the results of any outside evaluation (whether paid for by you or by the district) when it makes a decision as to your child's need for a related service.

WHAT TYPE OF INFORMATION SHOULD BE COVERED IN ANY OUTSIDE EVALUATION I OBTAIN?

The private evaluator should discuss in a written report what problem your child has and how - specifically - that problem affects the child's ability to make progress in his or her IEP goals or other aspects of the school program. The report should also make specific recommendations as to the type of service needed, the way it should be provided, how often and for how long and the type of

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person needed to deliver the service. The evaluator should also describe in the report the goals of the related service program being recommended. You can request more information on independent evaluations from ELC.

CAN MY CHILD BE DENIED RELATED SERVICES BECAUSE THE DISTRICT CAN'T AFFORD TO PROVIDE THEM OR DOESN'T HAVE ENOUGH STAFF?

A school district or intermediate unit has no choice about whether or not it will provide a needed related service. These services must be provided free and cannot be denied or limited because it would be costly or inconvenient for the district to provide them. But remember -- the District must provide only those services, and only in the amount, that are necessary to help a handicapped child benefit from his/her special education program.

WHAT CAN I DO IF THE DISTRICT AND I CAN'T REACH AGREEMENT?

If you and the District can't agree on the kind or amount of services your child needs, there are three things you can do (you can do any or all of them):

- Ask for a 'mediation session.' This is a meeting with a trained 'mediator' who is not connected with the school system. The mediator will help you and the school try to work out an agreement concerning changes in your child's program or placement. There is no charge for using the mediation service, and you will not be required to agree to any change that you don't like. To find out about mediation, see our Guide, pp. 42-43, or all 1-800-992-4334.

- Send the principal a letter requesting a 'prehearing conference.' This is a meeting with school officials only. For more information on prehearing conferences, see our Guide, pp. 39-42.

- Request (in writing) a 'due process hearing.' This is a legal procedure that can take some time. It is conducted by a hearing officer, who will decide whether your child's program or placement should be changed and, if so, how. For more information, see our Guide, pp. 43-49.

Should you need further information on related services, call or write:

EDUCATION LAW CENTER, INC.
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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TRANSPORTATION RIGHTS OF CHILDREN WITH DISABILITIES

Q: Who is entitled to transportation services?

A: A child with a disability is entitled to transportation if the student needs it to get to the school or special education program to which the child has been assigned by the district.

Q: What kind of transportation must be provided?

A: Transportation that is appropriate to the child's particular disability and needs. For example:

Transportation to and from school. Depending upon the child's specific condition, he or she may need to be transported by a school bus, van, or car, or to receive tokens for use on public transit.

Transportation around the school building. If the child needs help to move in or around school facilities, such assistance must be provided.

Special assistance from bus matrons or other staff. If the child needs the help of a matron or other staff person during the ride to school or within the school (or both), such help must be provided.

Specialized equipment. If needed, specialized equipment -- such as wheelchairs, lifts and ramps -- must also be made available.

Q: Should transportation be included on the child's IEP?

A: Yes. The child's IEP must list all needed transportation services (for example, the type of transportation to be utilized, an aide and/or special equipment, or the length of the trip).

Q: How long can the ride to and from school be?

A: The answer depends on the child. If the ride is too long given the child's disability and age, then a shorter route or a placement closer to home must be provided. As a general guideline, the Pennsylvania Department of Education has determined that a handicapped student should not be required to travel more than one hour each way on the bus (see School Administrators Memorandum No. 493). However, the only absolute rule is that the transportation provided must be appropriate given the child's individual needs.

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IF PROBLEMS ARISE, you can do one or more of the following:

* Ask for a "mediation session." This is a meeting with a trained "mediator" who is not connected with the school system. The mediator will help you and the school try to work out an agreement concerning changes in your child's program or placement. There is no charge for using the mediation service, and you will not be required to agree to any change that you don't like. To find out about mediation, see our Guide, pp. 42-43, or call 1-800-992-4334.

* Send the principal a letter requesting a "prehearing conference." This is a meeting with school officials only. For more information on prehearing conferences, see our Guide, pp. 39-42.

* Request (in writing) a "due process hearing." This is a legal procedure that can take some time. It is conducted by a hearing officer who will decide what transportation services your child needs. For more information, see our Guide, pp. 43-49.

* If your child has transportation services listed on the IEP, but these services are not being provided, you can file a written complaint with the Division of Regional Review, Bureau of Special Education, Pennsylvania Department of Education, 333 Market Street, Harrisburg, PA 17108.

If you have further questions, feel free to contact us.

EDUCATION LAW CENTER, INC.
801 Arch Street, Suite 610
Philadelphia, PA 19107
(215) 238-6970

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INDEPENDENT EDUCATIONAL EVALUATIONS FOR CHILDREN WITH DISABILITIES

WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

An independent educational evaluation is an evaluation of a child that is conducted by a qualified person not employed by your child's school district or intermediate unit.

WHEN IS IT A GOOD IDEA TO OBTAIN AN INDEPENDENT EVALUATION?

Whenever you believe that your district's evaluation of your child is not adequate or not correct. You may also want to get an independent educational evaluation when you are about to go to a Due Process Hearing or whenever you have questions about your child's program or progress and want guidance from someone unconnected with your school district.

DOES MY SCHOOL DISTRICT HAVE TO PAY FOR AN INDEPENDENT EDUCATIONAL EVALUATION?

If the district believes its evaluation is adequate, it can refuse to pay for the independent educational evaluation. However, the law mandates that the district then schedule a Due Process Hearing so that a hearing officer can decide if the district should pay.

IF I OBTAIN AN INDEPENDENT EVALUATION FOR MY CHILD, WHAT QUALIFICATIONS SHOULD THE EVALUATOR HAVE?

It is important that the evaluator have qualifications similar to the evaluators used by your school district. For example, if you want an independent psychological evaluation of your child, be sure the evaluator is a "certified school psychologist."

WHAT SHOULD I EXPECT FROM MY INDEPENDENT EVALUATOR?

This depends on the question you want the independent evaluator to answer. Does the child have a disability, and if so, what is the disability? What kind and amount of related services does the child need? Is the special education program the child is receiving appropriate and, if not, what changes should be made? Included with this Fact Sheet is an article that discusses this issue in detail.

HOW DO I REQUEST THAT THE DISTRICT PAY FOR AN INDEPENDENT EDUCATIONAL EVALUATION?

You should write to your district and request an independent evaluation at public expense. In your letter, you should state the type of evaluation that you want and the reasons why you think it's necessary. You should also ask the district for information on where an independent evaluation can be obtained. A sample letter is included with this Fact Sheet. The district should answer you, in writing, within a reasonable time.

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MUST THE SCHOOL DISTRICT CONSIDER THE RESULTS OF AN INDEPENDENT EDUCATIONAL EVALUATION?

Whether or not the district agrees to pay for the independent educational evaluation, it must consider the results of any evaluations you have obtained when it makes any decision relating to your child's special education needs. However, it doesn't have to agree with the results of the evaluation.

WHAT CAN I DO IF THE SCHOOL DISTRICT DOESN'T AGREE TO PAY FOR THE INDEPENDENT EVALUATION OR DOESN'T AGREE WITH THE INDEPENDENT EVALUATION I PAID FOR?

You can do any or all of the following:

- Ask for a "mediation session." This is a meeting with a trained "mediator" who is not connected with the school system. The mediator will help you and the school try to work out an agreement concerning changes in your child's program or placement. There is no charge for using the mediation service, and you will not be required to agree to any change that you don't like. To find out about mediation, see our Guide, pp. 42-43, or call 1-800-992-4334.

- Send the principal a letter requesting a "prehearing conference." This is a meeting with school officials only. For more information on prehearing conferences, see our Guide, pp. 39-42.

- Request (in writing) a "due process hearing." This is a legal procedure that can take some time. It is conducted by a hearing officer who will decide whether your child's program or placement should be changed and, if so, how. For more information, see our Guide, pp. 43-49.

If you have questions about independent educational evaluations, you can call the Education Law Center for further information:

EDUCATION LAW CENTER, INC.
801 Arch Street, Suite 610
Philaldelphia, PA 19107
(215) 238-6970

MICHIGAN ASSOCIATION
FOR
CHILDREN
WITH EMOTIONAL DISORDERS

CHILDREN'S FORUM

What hurts? What helps?

It hurts when:	It helps when:
1. Adults argue back and act like me.	Adult listen and give me time to cool off.
2. My brothers and sisters set me up. They annoy me on purpose, because they know I'm already angry.	My parents keep the problems separate and remember I didn't do it just because my brother did.
2.b. My parents blame me when my brother or sister has a tantrum.	My parents remember that I am not my brother/sister.
3.a. Kids try to take me down with them by getting me angry then using me as the excuse for what went wrong.	My friends are there to help me.
3.b. Kids tease me about something that has made me mad.	I am taken away from an angry situation. and have someone who will listen to me.
4. When I try to get help because I'm upset but I'm told to "sit down", I feel like I'm being brushed off.	I can let someone know there is a problem and get help with the problem.
5.a. I'm trying to explain something and no one will listen.	I can talk to the social worker or counselor. It helps when I can get a hold of the S.W. whenever I need her.
5.b. I'm trying to explain something and someone starts yelling at me.	I can have my say
5.c. People force me to talk to them when I'm already upset or they keep talking at me when I'm not ready to listen.	I'm given some space. It helps if the teacher will be quiet and let me be quiet until I calm down.
6.a. I'm grabbed and held down with my arm twisted behind my back.	I am held down gently. It can keep me from hurting myself or someone else.
6.b. When anyone grabs me, squeezes me, pinches me or twist my arm.	

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holds when it isn't necessary.

7. I'm lied to - I'm told "I'll talk to you in a minute" but no one comes or "You won't get in trouble" but I do.

Adult are honest with me.

8. I am sent to a separate room and left there.

I can go out of the room for a little while then come back and do it right. I will make up the time I missed.

9. I get kicked out of school. Sometimes I start fights so I will be kicked out. I missed 153 days of school one year but they passed me anyway because they just didn't want me around".

I am given detention or in school suspension instead of being sent home. It helps to use this time to talk about and practice good behavior or to complete assignments.

10. People make fun of me.

11. I'm told to "shut up".

12. People get mad at me for acting out when it's part of my disability.

When I can do something active until I calm down ex. basketball or walk.

13. I start things and don't know how to stop them.

The teacher and I have a special word or or sign to remind me to "chill".

14. Adults and kids are rougher on you because you don't have many friends. If you have friends they will help you cool off. Adults are rougher on you if you're a loner. The madder they get the more it aggravates my disability.

I am treated fairly and when I can talk to a friend. It helps when friends tell me "it's alright".

15. I feel like I want to hit someone because I'm so frustrated but I'm not big enough or I'm afraid of getting in trouble.

I can talk to my mom, the social worker, counselor or another adult who will listen to me.

16a. I am angry and checks are put on the board. They don't help me control my anger.

Checks on the board are used when I do something good.

16b. Checks on the board are used with kids who don't understand or don't care about the consequences. It only makes them more upset

Checks on the board help when used as a reminder for kids who already have control. It helps them remember that they don't want to be kicked out..

17. I have to ride the bus. Kids are terrible on the bus and the bus driver can't stop them. When I ride the bus

There is an adult on the bus who can control the kids.

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A MONTHLY UPDATE FOR VOLUNTEER ADVOCATES MARCH 1985, VOL. 3, NO. 2

THE ADVOCACY NETWORK

DEVELOPMENTAL DISABILITIES ADVOCACY NETWORK, INC.
3540 NORTH PROGRESS AVENUE • HARRISBURG, PA 17110-9659

EDUCATIONAL EVALUATIONS

by Margaret J. Humphrey-Kay M.A.Sc.
Licensed Clinical Psychologist
Certified School Psychologist

Psychological testing involves a sampling of a person's behavior in response to a particular set of circumstances. The purpose of this sampling is to obtain information about the individual which allows the prediction of certain characteristics of the person to be made.

The area of psychological testing is a controversial one, and there are many opinions, both positive and negative, which have been voiced about the use and abuse of various psychological tests. The purpose of this article is to explain what psychological evaluations consist of, what kinds of tests are used, what kinds of information are obtained from different sorts of tests, and what benefits can be accrued from the process of testing and the reporting of results.

There are many different types of psychological tests which can be used for particular disabilities. For very young children, psychologists can test for developmental delays, general intelligence, language receptive and expressive capacities, and emotional status. In early childhood, psychologists are often concerned with the educational progress of a child, the issue of learning disabilities, social and emotional development, personality functioning and overall intellectual capacity. Psychologists work with teenagers and adults around the issues of learning, career interest and development, adjustment to specific life situations, phase of life problems, and potential for future growth.

Learning disabilities frequently go undetected because children are not tested thoroughly and comprehensively. In order to construct a usable battery for an LD evaluation, much depth of analysis is required. Many busy school psychologists with large caseloads in the public school systems simply do not have the time or equipment necessary to do a thorough evaluation of a learning problem.

In the area of learning disabilities, it is essential that the psychologist obtain a broad base of information about the individual. Tests which must be included in a learning disabilities evaluation are intelligence tests and achievement tests. Other tests to be included, but often deleted, are tests of perceptual growth and development, tests of emotional and social status, tests of motivation for achievement, and tests of learning style.

Children can have learning problems for a variety of reasons. For example, the child may not be developmentally ready to begin the task of identifying symbols such as in reading. Or, he or she may have an emotional difficulty blocking his or her performance in an academic area. Another possibility could be that the child has a learning style which is causing difficulty in the area of school performance. When an evaluation is requested, many questions exist but few answers are known.

A psychologist works much as a detective works, trying to uncover clues which will pinpoint the nature of problems and allow successful intervention to take place. If the psychologist chooses the wrong tests in an attempt to answer the questions of the assessment, the conclusions drawn will be invalid. Or, if the psychologist chooses the right test to administer, but is not skilled in the proper interpretation of test results, much information will go unreported or undiscovered.

The criteria to evaluate whether or not a psychological report is a good one has to do with how useful it is to individuals receiving the report. If a report is done for educational purposes, it is necessary that the report provides a strong indication of the child's intellectual capacity, learning style characteristics, social and emotional needs, and present achievement status. In addition, the report must specify, for teachers and for parents, recommendations about how to work with the child so that the individual may function most comfortably and most successfully in the learning situation.

Maximum vs. Typical Performance

Psychological tests can be grouped according to two particular types. Those are tests of *maximum performance* vs. tests of *typical performance*.

In a test of maximum performance, the person being tested is required to do his or her best. Information being measured in a test of maximum performance includes what the person's potential ability is and/or what a person has attained in the way of accomplishment including intelligence tests, achievement tests and aptitude

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EDUCATIONAL EVALUATIONS

(Continued from Page 1)

tests. These tests yield different types of data, but all have one aspect in common: the information being sought in each category addresses the question, what is the best that the person can do. There are three main determiners influencing the way a person performs on a test of maximum performance: innate ability, acquired ability, and motivation. It is impossible to do better than one is capable of doing on a test of maximum performance. For example, if an individual is credited with an IQ of 100, it is possible to say that the person has at least an IQ of 100, and not less than an IQ of 100. This is because it is impossible to score better than you are capable of scoring on a test of maximum performance simply by virtue of chance alone.

The chief difficulty with tests of maximum performance is that many factors may influence scores downward. The time of day, whether or not the person is tired, the ability to work with a particular examiner, the capacity of the examiner to establish rapport with the subject, and various environmental influences can all cause underestimates to occur on test of maximum performance. Therefore, it is most important that psychologists giving these tests indicate within their reports what the conditions of testing were and how the subject responded in the test situation.

In the area of learning disabilities testing, both tests of ability (i.e., intelligence) and achievement are necessary in order to make a diagnosis of a specific learning deficit. The state and federal government stipulate that there should be a discrepancy between the person's ability and their actual achievement in order for specialized programming to be offered. For this reason, the selection of IQ tests and achievement tests in determining a learning disabilities diagnosis is essential to the outcome of the evaluation.

Intelligence tests, or an IQ test, is a measure of a person's ability to perform a certain task. On an IQ test, the examiner is interested in the innate capacity of the person to perform in comparison with persons of the same age. There are many different types of IQ tests, but all have a final result in common—the IQ score.

An IQ places an individual in relation to other people of the same chronological age. It is computed by administering a test to a large population of people in order to determine specific levels of performance.

A person taking an IQ test is required to answer questions or perform on various problems. The number of correct items are computed to equal the person's raw score. This raw score is then compared to other individuals in the normative population of the same chronological age as the subject. It is through the use of this comparison that the actual IQ score is obtained.

An IQ is nothing more than a number which allows us to compare an individual's performance against those of the normative population. An IQ of 100 is considered to be an average IQ. When someone obtains an IQ of 100, we say that this person performs at the 50 percentile for their age group. This means that out of 100 people of this person's age level, the subject would be brighter than 50 people in the group.

IQ scores are grouped according to ranges in terms of the classification of a person's intelligence. Individuals who have IQ's below 69 are said to be functioning in the range of mental defectiveness. Those with IQ's from 79 to 70 are classified as borderline level functioners. Individuals with IQ's from 89 to 80 are said to fall within the low normal range of ability, and individuals with IQ's from 109 down to 90 are said to function in the average range. IQ scores from 110 to 119 fall in the bright normal range. Scores from 120 to 129 are superior and scores from 130 to 135 are very superior.

Achievement tests also fall in the category of tests of maximum performance. In an achievement test, the examiner is not looking so much at innate mental capacity, but more so at what a person has learned. Typically, achievement tests measure academic subject areas, and are used widely for children in a school-age population.

The importance of achievement tests can be illustrated several ways. Achievement tests are used by schools in order to determine how much children have learned as a result of their participation in a certain academic program. Achievement tests are also used in order to determine if a person meets certain eligibility requirements for special academic programs. Achievement tests may be used in business and industry in order to determine the literacy of a potential employee.

Psychologists frequently use achievement tests in order to determine if an individual's academic performance is consistent with his or her intellectual ability. If an individual has an IQ of 100, one would expect that that person would be able to achieve standard scores on achievement tests which are about 100. A standard score is equivalent to an IQ score; that is, it has an average of 100 and a standard deviation of 15. Sixty-eight percent of the population should be achieving academically between standard scores of 85 and 115.

The third category of maximum performance tests includes those measures called aptitude tests. In an aptitude test, the person's innate capacity to perform on a specific type of job task is being measured. For example, to say that a person has mechanical aptitude implies that he or she has good innate mechanical ability which can be further enhanced by training.

Aptitude tests are most frequently used in conjunction with career development and vocational planning. Before money is invested in an individual to train them to perform on a certain task, it is helpful to understand beforehand whether or not that person has natural aptitude to function in that area. Aptitude tests are, therefore, a good investment where the training of people for jobs is being considered.

The other category of psychological tests which are used are tests of typical performance. In a test of typical performance, the subject is required to be as honest as he or she can be. Tests of typical performance include projective measures, personality tests, vocational interest tests, and value scales.

Projective tests are those which come under the most criticism both within and without the psychological community. Examples of projective tests would include human figure drawing tests and ink blot tests where the subject is required to perform on a task but is unaware of what is being measured in terms of the response.

Projective tests are scored in terms of the number of indications present of emotional difficulty. Once again, it is known that profiles of healthy subjects have certain kinds of characteristics, whereas profiles of individuals with emotional or psychological problems possess other kinds of characteristics in their responses. On the Draw-a-Person Test, for example, the absence of a

neck on the human figure drawing is frequently associated with emotional immaturity.

In a personality test, specific traits or aspects of one's personality functioning [illegible] being measured. The computer is used as a valuable tool obtaining valid and reliable personality assessments.

The Minnesota Multiphasic Personality Inventory has about 5,000 pieces of research devoted specifically to that test. It would be impossible for one individual to be aware of all the ramifications of the MMPI tool. Data from this research can be stored and coded into a computer. however, so that individual profiles can be analyzed with much more precision and accuracy than was ever possible in the past.

Vocational interest tests also fall under the category of tests of typical performance. On a vocational interest test, the subject is required to choose from a listing of work alternatives he or she would prefer to be engaged in. The difficulty with vocational interest tests, as with other tests of typical performance, is that the respondent can easily fake responses. This difficulty makes these tests much less reliable than other kinds of measurers.

The term "validity" in testing has to do with what a test actually measures. If a test is called a mechanical aptitude test, it is essential that the test actually reflects mechanical ability. The name of the test does not necessarily mean that it will be valid for the use it is designated.

Validating tests is a very long and arduous process. An individual test must be compared with other measures in order to determine its validity. If a test is called a test of mechanical ability, it is important to discover whether or not individuals who score high on the test actually have good mechanical capacity.

Tests are validated for certain groups within the normative population. In general, most IQ tests have been standardized on white middle class populations. Children from different ethnic backgrounds, or at lower socioeconomic levels, may be unfairly penalized on standardized IQ tests.

The issue of reliability concerns whether or not the test consistently measures what it purports to measure. Internal factors of the subject, as well

(Continued on Page 4)

YOUR CHILD'S RIGHT TO AN INDEPENDENT EVALUATION

More than any other factor, evaluations are crucial to successful advocacy for educational placements. Since each handicapped child is entitled by law to an education appropriate to his or her individual needs, it is crucial to know as precisely as possible what the child's needs are in order to assess the suitability of options that are being offered, and to determine ways of making the chosen option work. The evaluation provides the building blocks from which the advocate assembles the case.

All parents have the right to have a detailed evaluation of their child administered by someone other than or in addition to the school psychologist. It is important to remember, however, that any evaluation to be submitted to the school district in order to influence the child's IEP, must be conducted by a school certified psychologist (an individual licensed by the state to administer special education evaluations).

Since testing procedures tend to be rather costly, you can request an independent evaluation at the school district's expense. For the most effective results, begin by writing a letter to your school district superintendent. It is essential that this letter includes:

1. Your child's name, grade, and school he or she attends.

2. Mention of the evaluation(s) previously conducted on your child by the school or intermediate unit and why you believe these tests do not address his or her particular exceptional needs.

3. Explain why you believe an independent evaluation would help your child benefit from his or her educational program. For example, if your child has difficulty with attention span—something that may or may not have been noted in previous evaluations—but his or her teacher is unaware of techniques for adequately dealing with the problem, you can suggest that a private evaluation would add greater depth to the understanding of the child's needs.

Once your letter has been received, the school district has only two alternatives: they may either grant the request or deny it, which requires them to initiate a due process hearing showing that its evaluation is appropriate [45 Code of Federal Regulations Section 121a.503(b)]. You may have to write a second letter to the school district reminding them of your right to a due process hearing which may be far more inconvenient and expensive than authorizing an independent evaluation.

In addition, if the school district refuses your request, they are legally unable to conduct any further evaluations on your child until after the due process hearing is terminated. Also, upon request, the school district is also required to provide information on where independent evaluations may be obtained [45 Code of Federal Regulations Section 121a.503(a)(2)].

If a due process hearing is scheduled in response to your request it is advisable to consult with an advocacy or legal agency in order to be sufficiently prepared. □

THE ADVOCACY NETWORK

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Executive Director—Edwin R. Frownfelter

Editor—Susan Wikler

Contributions by Georgene Ethridge-Bloss

CALENDAR

April 17
Vocational Information Program
Harrisburg Area Community College
12:30 to 4:30 p.m.
For reservations and details:
Lynda Blackway, DDAN Harrisburg
800/692-7443

April 19 and 20
DDAN Board Meeting
Holiday Inn, 18th and Market
Center City, Philadelphia

To be scheduled April/May
DDAN Residential Advocacy Training
Northeastern and Central Regions □

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EDUCATIONAL EVALUATIONS

(Conanued from Page 3)

as external factors in the environment, influence the reliability of test scores. For example, if a child is required to take a test in a room which is too hot and on a day that he or she is not feeling well, his or her performance is likely to be much poorer on that test than in another, more positive condition.

In order to insure the reliability of the test, it is important that the test be given in a standardized fashion and in an environment which is most conducive to obtaining a good performance from the subject. When testing any person on a test of maximum performance, it is desirable to see the person during the time of day when he or she is most alert.

Another difficulty frequently encountered in learning disabilities evaluations is one of a misinterpretation of test results. Many psychologists utilize grade equivalency scores in achievement tests in order to make the case that a child is not significantly underachieving in the classroom. Grade equivalency scores have come under strong criticism, not only from the publishers of tests, but from respected psychologists as well. Grade equivalency scores vary tremendously from one test to another. There are no statistical properties associated with grade equivalency scores, and small increments in raw scores result in big changes in grade equivalency estimates. A grade equivalency score of 2.0 does not mean that a child is reading at a second grade level. A grade equivalency of 2.0 means that, in comparison to children from whatever area the test was normed, this particular child performs about like a second grader from that area.

The real scores in tests of maximum performance are standard scores and percentiles. A standard score has a mean or average of 100 and a standard deviation of 15 or 16. Percentile ranks indicate where an individual stands in comparison to his or her age-mates out of 100 cases.

The state of Pennsylvania, and the federal government, stipulate that a child meets the criteria for learning disability programming if there is a significant discrepancy between that child's ability and his actual academic achievement. If a child has an IQ score of 100, the achievement test standard scores should be about 100 and the percentile rank scores should be about 50, if he or she is achieving consistently with his or her capacity to learn.

Psychological testing is also done in the area of mental retardation. Defining that a person is mentally retarded is much more clear-cut than making a diagnosis of a learning disability. The diagnosis of mental retardation is based specifically on IQ test scores. A person is diagnosed as being mildly mentally retarded if he obtains an IQ score between 69 and 55, according to the American Association of Mental Deficiencies Manual on terminology and classification in mental retardation. A moderately retarded person would function between an IQ of 50 to 40 and a severely retarded person would function between an IQ of 39 to 25. IQ scores of 24 and below are said to indicate a profound level of mental retardation. In terms of educational classifications, IQ's which range from 50 or 55 up to 70 or 80 are said to reflect ability within an educable mentally retarded range. Persons who function between an IQ of 25 and 50 are labeled as trainable mentally retarded in the education system.

In choosing a psychologist to perform an evaluation, it is helpful to secure the services of a reputable professional. In the case of an independent psychologist operating in private practice, it is essential that the psychologist be licensed by the Pennsylvania Board of Psychologists Examiners.* Hospitals and various social service organizations within the community are often able to refer individuals to competent clinicians. Colleges or universities are also good sources for information referral.

When an individual is seeking an evaluation, it is essential that he or she provides the psychologist with as much background and information about the specific situation as possible. The more information the psychologist has about the individual questions to be answered, the better position the psychologist is in to choose a battery of tests which will enable the completion of a thorough assessment.

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Tiedeman, Herman R., Fundamentals of Psychological and Educational Measurement, Charles C. Thomas, Publisher, 1972

Tarczan, Constance, An Educator's Guide to Psychological Tests, Charles C. Thomas, Publisher, 1972

In addition to these resources, CIB/ McGraw-Hill, DelMonte Research Park, Monterey, California 93904, puts out a pamphlet entitled "Parents Guide to Understanding Tests" which was published in 1976.

**Editors Note: For evaluations to be accepted for educational purposes in Pennsylvania, the evaluator must be a certified school psychologist as opposed to a clinical psychologist.* ☐

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the most important meeting you will ever attend

GUIDELINES FOR PARENTS: THE IEP OR ANNUAL REVIEW CONFERENCE

The Individualized Education Program (IEP) is a document that defines an appropriate program of special education and related services for your child. The IEP is used to plan your child's special education instruction. This document is very important because the school will provide the services listed on the IEP, and will do everything possible to assist your child in meeting the educational goals and objectives indicated in the IEP.

The IEP is planned and developed by parents and school staff during the IEP conference. Parent participation in the IEP conference and ongoing parent-school contact are critical to the success of your child's school experience.

This brochure is written to help you more fully understand and participate in the IEP conference. It consists of two parts:

A checklist of things to do to PREPARE for the IEP conference

An outline to help you take notes DURING the conference and to remind you of some important questions

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Information Parents May Wish to Provide	Questions Parents May Wish to Ask
Your observations of your child Educational evaluations completed by other agencies	How recent are these records? How does my child compare to other children? What do the levels and scores mean in terms of instruction?
Goals you have for your child	What is the long-range plan for my child? What are some possible long-range goals? Will she/he be independent, employable, or have opportunities for education, etc. beyond the public school program?
Skills or tasks you would like your child to achieve	How will I know when my child learns these skills? What suggestions do you have for me to use at home with my child?
How your child participates in family activities	How can I measure my child's progress in activities performed at home?
Other kinds of services you think your child needs to help him/her succeed in school	If my child needs additional services in the future, will she/he be able to receive them? What services not related to the educational program could my child benefit from? What community agencies should I contact to obtain these services?
Your understanding of your child's special needs Necessary medical or safety restrictions or precautions	Can you give a description of my child's special education assignment?
How your child gets along with brothers and sisters, or with other children in the neighborhood	Is my child scheduled to spend as much time as possible with non-exceptional students outside of the special education classroom?
How you will keep in touch with the school to monitor your child's progress (telephone, notes to the teacher, classroom observation, etc.)	How will the school keep me informed about my child's program?

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IEP Section	Information School Will Provide
1) Present Educational Levels (This means a written statement of the child's current educational performance.)	Findings from the evaluations in each area The methods and types of assessment tools or tests used A description of the student's present skills and level of functioning in each major curricular area
2) Annual Goals (These should specify what the student is expected to learn.)	Recommend instructional goals based on the student's strengths and needs Explain how the goals relate to the curriculum
3) Short-term Objectives (These are derived from annual goals. They should clearly describe learning tasks which the student must master on the way to achieving the annual goal.)	Discuss the content of each curricular area that is part of the student's special education program and explain how these objectives are linked to the annual goals
4) Evaluation Procedures and Schedules (This spells out how and when the child's progress will be measured.)	Outline the methods by which student progress in each objective will be measured
5) Related Services (These include the services required to meet the student's school needs, such as the type of physical education program, or special instructional materials.)	Describe recommended related services that the child needs to benefit from the educational program
6) Primary Special Education Assignment (This is the level of special education service such as itinerant, resource room, full-time, part-time. It also gives the category of exceptionality, such as, *Learning Disabled, Educable Mentally Retarded,* or *Physically Handicapped,* etc.)	Statement of eligibility for special education assignment Describe the type of class and the level of special education service
7) Statement of Integration (This refers to "integration" between children from special education programs and children from regular education programs.)	Describe extent to which child will participate in regular education
8) Dates (These are the projected dates for the program and services to begin and the expected duration of the services.)	Explain timeline for full implementation of IEP and the projected review date of the program

Developed by The School District of Philadelphia, Division of Special Education with technical assistance provided by Abt Associates, Inc., Washington, D.C.

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PREPARING FOR THE IEP CONFERENCE

As a partner with school staff in the planning of your child's educational program, you may want to prepare for the IEP conference in the following ways:

- ☐ Review your child's school records and decide if you want to bring any materials to the conference, such as
  - —your child's report card
  - —recent examples of school work
  - —medical reports and evaluations
  - —information from other agencies
  - —current IEP (If your child has an IEP, review the instructional goals, objectives, and progress made in these areas.)
- ☐ Try to determine how your child feels about school.
- ☐ Think about whether you want your child to attend the IEP conference and discuss the possibility with the teacher and with your child.
- ☐ Think about your child's school program and jot down any questions you may wish to ask.
- ☐ Inform the school if you need assistance in preparing for the conference or during the conference. Some areas of help may include the use of an interpreter, access to school records, contact with evaluation personnel and other assistance which will enable you to participate fully in the IEP conference.

DURING THE IEP OR ANNUAL REVIEW CONFERENCE

As the parent of an exceptional student, it is your right and responsibility to attend the IEP conference and help determine the instructional goals, objectives, and services your child requires.

The school staff will make sure that the legally required parts of the IEP are discussed at the meeting. As each part of the IEP is developed or reviewed, you will have the opportunity to help plan and approve this program.

The outline on the back of this brochure contains the sections of the IEP which will be discussed at the conference, along with information you may wish to provide and questions you may wish to ask.

At the conclusion of the IEP conference, you will have the opportunity to approve or disapprove the recommended program.

If you approve the program, the IEP will be implemented as written. If you do not approve of the plan, you must describe in writing the reasons for your disapproval. The school staff will help you clarify areas of concern.

Due process procedures guaranteed to you by law can be implemented to resolve differences.

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SERVICES AND PROGRAMS

- *Information*
  Calendar clearinghouse; annual CASSP conference; publication series; resource library.

- *Direct services*
  Training and technical assistance in policy, systems and program development; continuing education; certification and/or approval of training curriculum; consultation.

- *Curriculum development*
  Development of a curriculum to train mental health professionals in the basic skills (core competencies) needed to provide state-of-the-art services to children, adolescents and their families.

- *Leadership*
  Coordination of statewide training; building relationship among systems; forum for dialogue.

- *Cooperative relationships*
  The Children's Cabinet and Coalition; the Office of Mental Health; the CASSP Advisory Committee; families, advocates and providers; the county mental health system; higher education; other training institutes; health maintenance organizations.

STRUCTURE

The CASSP Training and Technical Assistance Institute is in the process of incorporating as a nonprofit agency within a Harrisburg-based group of human service agencies whose Board of Directors presently serves as the legal governing body. The Institute is moving toward becoming independent and affiliating with one of Pennsylvania's universities.

In addition, the Institute is governed by a Management Board and an Advisory Board. Both groups include people who are committed to the purpose of the Institute and who represent the various CASSP constituencies.

STAFF

Michael Barfield, M.S.W.
Executive Director

Marsali Hansen, Ph.D.
Curriculum Coordinator

Evelyn Torres, B.A.
Training Coordinator

Harriet Bicksler, M.A.
Publications Specialist

Rita Kushner
Administrative Assistant

PENNSYLVANIA

CASSP

Child and Adolescent Service System Program

THE PENNSYLVANIA CASSP TRAINING AND TECHNICAL ASSISTANCE INSTITUTE

2001 N. Front Street
Building 1, Suite 316
Harrisburg, PA 17102

(717) 232-3125 (800) 232-3125
Fax (717) 232-3610

BACKGROUND

Pennsylvania's Child and Adolescent Service System Program (CASSP) initiative began in 1985, based on the model developed by the National Institutes of Mental Health for a comprehensive mental health service system for children and adolescents with severe emotional disorders and their families. The CASSP Training and Technical Assistance Institute was created in 1993 with a federal grant and additional funding from the Office of Mental Health in the state Department of Public Welfare. The Institute supports the state and county CASSP infrastructure for children's mental health services.

PHILOSOPHY

CASSP is based on a well-defined set of values and principles for mental health services for children and adolescents with or at risk of developing severe emotional disorders. The CASSP Training and Technical Assistance Institute supports these principles, as well as the principles for all children's services established by the Children's Cabinet of Pennsylvania.

Pennsylvania's child-serving systems are committed to providing services to children, adolescents and their families that:

- recognize individual needs and strengths;
- are family-focused and community-based;
- respect parents as partners;
- are culturally competent;
- are built on collaboration among all the agencies and child-serving systems involved in a child's life, including mental health, mental retardation, education, child welfare, drug and alcohol, health, vocational rehabilitation and juvenile justice.

PURPOSE

The purpose of the CASSP Training and Technical Assistance Institute is to implement Pennsylvania's principles for children's services. This will be done by:

- creating opportunities for training, technical assistance, consultation, mentoring, skill-building and information-sharing regarding program and policy development in children's mental health services;
- providing opportunities for helping all those who serve children to better understand the child-serving systems and how they work;
- facilitating mutual understanding of best practice and a sense of common purpose among all Pennsylvania's child-serving systems;
- providing opportunities for thoughtful discussion of the political, moral, social and public policy issues affecting Pennsylvania's child-serving systems.

RESOURCES
Pennsylvania CASSP Training and Technical Assistance Institute

PUBLICATION SERIES

Quantity	Title	Price
_____	"Children's Bill of Rights," Commonwealth of Pennsylvania, 1995, *a CASSP concept paper* (Draft)	$1.50 each
_____	"Family Support Services," 1993, *a CASSP concept paper*	$1.50 each
_____	"Implementing Comprehensive Classroom-Based Programs for Students with Emotional and Behavioral Problems," by Andrew L. Reitz, Ph. D., 1995, *a CASSP discussion paper*	$1.50 each
_____	"A Model for the Multi-Systems Service Planning Meeting," by Ken Meehan, LSW, 1995, *a CASSP discussion paper*	$1.50 each
_____	"Pennsylvania's Ideal Child Mental Health System Design," 1992, a *CASSP concept paper*	$1.50 each

OTHER RESOURCES

Quantity	Item	Price
_____	*The Pennsylvania Model of Towards a Culturally Competent System of Care*, 1989; a project of the Minority Initiatives Subcommittee of the PA CASSP Advisory Committee	$5.00 each
_____	The *PA CASSP Newsletter*; a free quarterly publication of the CASSP Advisory Committee and the PA Office of Mental Health. *(Please indicate whether you want to be placed on the mailing list and/or whether you would like a file of available back issues.)*	-free subscription -$2.00 for file of available back issu.
_____	Brochure describing the purpose and functions of the PA CASSP Training Institute	-single copies free -multiple copies/ 10 cents each

TOTAL COST: _____

Name : _____

Agency/Title: _____

Address: _____

Zip code: _____ Phone: _____

To order, please indicate the items desired and their total cost. Fill in your name and address above. Send this form with your payment in a check made payable to the PA CASSP Training Institute to:

Harriet Bicksler, Publications Specialist
PA CASSP Training Institute
Building 1, Suite 316, 2001 N. Front St.
Harrisburg, PA 17102
(717) or (800) 232-3125, fax: (717) 232-3610

PEER ADVOCACY TRAINING: SELF- ASSESSMENT

Have you ever heard that your child is entitled to " a free and appropriate education" ?

What does this mean to you?

What do you know about requesting special services for your child?

How would you go about this?

Are you comfortable asking for an appointment with your child's teacher?

Are you comfortable requesting special services for your child?

What do you know about the MDE (Multi-Disciplinary Evaluation)?

How much do you know about the IEP (Individualized Education Plan) ?

If you are not receiving special services for your child. how would you go about requesting these special services?

What do you know about the appeal process?

PEER ADVOCACY: EVALUATION

Do you feel that the "Peer Advocacy Training" we did in "Bridges" was beneficial?

Do you understand more about your child's right (or other children's rights) to a "free and appropriate education"?

What did you learn?

For students: If it helped you and your child, how did it help?

For agency personnel: Do you think this training was beneficial for your clients?

Do you think we should continue this type of training in "Bridges"?

Should a Peer Advocate person be hired?

Why or why not?